

Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

<https://archive.org/details/31761114668478>



A27N
C12
-577

Government
Publications



Ontario

No. S-1

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act



First Session, 33rd Parliament


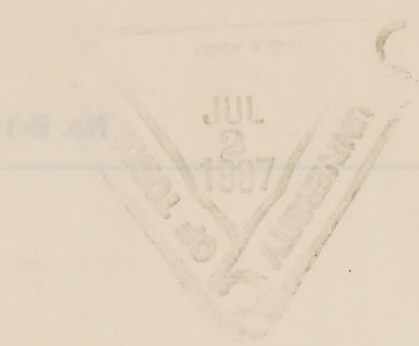
Tuesday, July 16, 1985

Morning Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)

Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

Davis, W. C. (Scarborough Centre PC)

Epp, H. A. (Waterloo North L)

Guindon, L. B. (Cornwall PC)

Jackson, C. (Burlington South PC)

Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

Clerk: Mellor, L.

Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, July 16, 1985

The committee met at 10:07 a.m. in room 151.

EDUCATION AMENDMENT ACT

Consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: The committee will come to order. I thank the committee members for being relatively prompt. We will try to continue this in the future.

The first thing I would like to draw to members' attention is the decision that was made by the chair, in conjunction with the Speaker and the members of the steering committee, that we should have Rogers Cable TV cover us, gavel to gavel, while we are here at the Legislature. This was an offer made by the cable company on Friday. After discussion with other members, I decided this would be an appropriate thing for us to have.

It may take a little while to sort out the proper placements and that sort of thing to make it possible to handle this. It has not been a habit of the Legislature to have this kind of coverage in the past and I hope people will bear with us as we try to accommodate the extended coverage.

There will be an overflow room available for days when we have more people than can be seated here in room 151. It will be in the basement of the north wing. The cable company tells me it hopes within a day or so it will have cable connections through to that room and will be able to have monitors there so people can watch the proceedings if they are unable to make it into this room. We will have a security officer from the Legislature on hand at the door to control access and make sure people are directed to the other room when that is necessary.

For our out-of-town meetings, at the request of the members of the steering committee we have tried to make sure any rooms we have can accommodate at least 100 people. Thus, even though we will have a preset agenda with people coming in throughout the day, we should not have a problem with space. We have not always had great success in being able to get community facilities, but most of the hotels at which we will be staying will be able to accommodate us where it is not possible to do so elsewhere.

The agenda that has been circulated to committee members is not complete for the first

couple of weeks. The reason is that the ads were placed in the dailies only yesterday. The response has been quite large at this point. The clerk tells me we have approximately 60 requests to be heard and we are expecting many more to arrive within the next few days.

The presumption is that this week we will hear first from the ministry officials, who would like to put this into a context for us, and then deal with the individual clauses of the legislation following that. Then we will move to the Newnham commission, to be updated on the implementation proceedings. We will have our first presentation from the Ontario Teachers' Federation on Thursday afternoon. Starting on Monday, we expect to begin the large number of public presentations. I would expect committee members should anticipate moving to evening sittings fairly quickly if the requests continue to come in at the rate they are at this stage.

We have tried to get out-of-province witnesses. I thank Mr. Jackson for his suggestions in that area. At this point we have one confirmed: Mr. Peter Dick, executive director of regional services in Saskatchewan, who was involved in the implementation of the extension of Catholic school funding in Saskatchewan when that took place. He will come to us in the week of August 26. We could not get him for this week as we had hoped.

We do not have a lot of money to bring in other people. I will leave it to the steering committee to advise me as to whether or not we will try to get other people in as well. The Board of Internal Economy did approve our budget last night without too much fuss, I am pleased to be able to say.

All scheduling problems we run into—and we may run into these as the deadline for making presentations comes forward on August 2—will be put to the steering committee. I think the committee should anticipate fairly regular meetings, both while we are on the road and while we are here at the Legislature, in terms of sorting out those kinds of scheduling problems as we try to make sure everybody who wishes to be heard can be heard.

Mr. Guindon is a new member of the committee whom other members may not have met before. I welcome him here in the place of

Mr. Pope. A good francophone voice will be very helpful here from time to time. I hope you do not think you are our token Catholic, as has been suggested in some quarters.

Mr. Allen: On a point of order: This may be a technical point, but it may be worth getting this settled before we proceed further. You may recall that early in our meetings I was given the confidence of the committee as its vice-chairman when you were otherwise disposed or indisposed, which we hope will not be the case.

I have considered that subsequently. Given my role as critic for our party and the inconvenience of being in the chair and having to ask questions at the same time, which is a technical impossibility, virtually, and depends solely on the practices of some chairmen, which I have observed are not always followed; none the less, it is an inconvenience. Therefore, I would like to move to withdraw my name from that position and nominate in my place Mr. David Cooke.

Mr. Chairman: Seconded by Mr. Epp. All those in favour please indicate. Contrary?

Mr. D. S. Cooke: Do I take the oath of office?

Mr. Chairman: If you just let me know you are willing to stand, it will be enough.

Mr. D. S. Cooke: I thank the committee for this overwhelming support.

Mr. Epp: I think it should be on the condition that he only get twice as much as the previous vice-chairman.

Mr. Chairman: I think that is appropriate, Mr. Epp. Thank you very much.

Mr. Allen: Have you completed your agenda?

Mr. Chairman: There are just two other items.

Mr. Allen: Then I have another point to make, if I might.

Mr. Chairman: First, all members should have received black folders from the ministry on Friday. I hope those of you who might have been away have picked those up from your offices. The minister tells me the ministry will also be making available to all members the copies of the drafts of legislation that were being looked at by the previous administration, so all members will see some of the other options that were looked at and were taken into account. Those will be available to us today.

Mr. Timbrell: Will that include the drafts this minister looked at as well? That is the point of order I raised in the House last Thursday.

Hon. Mr. Conway: What I have transmitted today to the clerk of the committee are the

following: the nine drafts that were transmitted to me by the member for St. Andrew-St. Patrick (Mr. Grossman) and the working document that also dealt with options. Those are the materials I inherited. If the member for Don Mills (Mr. Timbrell) is asking me for other drafts, there is no difficulty with that. We had a couple of preliminary drafts to what you now see as the bill. I am quite prepared to include them as well.

Mr. Timbrell: It would be helpful to trace the evolution right through to the final bill.

Hon. Mr. Conway: Perhaps I can have a few hours to get that material copied. The material will be in the hands of the clerk some time this morning.

Mr. Chairman: Mr. Allen, before I recognize you, I have another item. It is to let people know a little about the travel plans. The committee members have had the tentative schedule distributed to them. As they can see, it is pretty firm in terms of actual dates and times we intend to be in various locations.

You will notice that for the week of August 6, which is a short week following the holiday weekend, we have decided to limit ourselves to a visit to Windsor and not try to do London during the same week. We did not feel we would have sufficient time to hear all the deputations that are likely to come from the two catchment areas. As well, we would have had some problems getting the transcription services to London from Windsor quickly enough to be able to have full transcription, and that would have further curtailed our time.

As a result, we are now looking at going to London after the Labour Day weekend. It may well be we have to include some other centres at that point.

I would like to make the members aware that both Sault Ste. Marie and North Bay constituents have phoned asking to be included on our list. That will cause a few budgetary problems, but the steering committee can deal with that later on. I thought I would keep you aware of that.

Mr. Allen: On a point of order, Mr. Chairman: These hearings are obviously of unusual public importance. For myself, I am delighted we are at last under way with them and that the process of discussion, debate and consultation has been reasonably full; as time has passed, it has been increasing so.

As we sit down to begin examination of the bill and the legislation that will lead to implementation of the extension of separate school funding in the province, one thing that impresses me is that we will be hearing a great many presenters. I

gather so many are clamouring at the doors that we may be having Thanksgiving dinner on the road. I do not know whether all of us exactly look forward to that, but none the less this is an important process and we want to be listening with both ears.

Given the range of material that is likely to come forward, which I think will expand the boundaries of the technical task of considering the legislation we will get to down the road in the form of amendments, and then reporting in that form back to the House, I wonder whether it would be useful at this early stage to begin considering whether a rather broad supplementary report might be tabled by this committee.

For example, there is the question of early retirement for teachers. Pension considerations obviously are tied in with this undertaking, but cannot be addressed directly through it. There may be issues of funding and a number of other questions that will arise in the public hearings that we will want to address ourselves to as a committee, having had the experience of listening to all those concerns.

I want to give notice I will be tabling a motion that this committee make a supplementary report, reflecting upon some of the other supplementary issues that I think are of critical importance to this question.

Mr. Chairman: The only difficulties I can see with respect to accepting that motion may be procedural in terms of the confines of what we as a committee have been asked to look at. I will check that in principle while you are preparing your motion. It seems to me possible that, because we are here to have public hearings on the bill, we could report back on those hearings just as much as we could amend the legislation. I will get some advice from the Clerk's office as to whether that motion would be in order. Does anybody else wish to comment on that idea at this point? We will wait until the motion arrives.

10:20 a.m.

Unless there are other points members would like to raise, the first item on our agenda is to have the ministry representatives present us with an overview of the context in which this legislation falls and what we should expect as a result. I am not sure how aware all the committee members are of this, but I think most of you were in the House during the speeches when there was a fair amount of discussion of the history of the education process in the province.

I might suggest to the deputy minister that we proceed with the overview section with a fair amount of dispatch. I will be ruled, of course, by

the members, who should feel free to ask as many questions as they want. They may pose questions to the deputy minister or the other representatives he will introduce in a second, but we might want to spend more time on the legislation itself and the actual wording of the legislation than on the contextual side of things.

Dr. Podrebarac: first I welcome you to the committee, and ask you to introduce the other members of the ministry staff who are here.

Dr. Podrebarac: I am delighted to introduce the delegation I have with me. I will start at my immediate left with Mariette Carrier-Fraser, who is the assistant deputy minister, Franco-Ontarian education; to Mariette's left we have Mr. Duncan Green, who is the assistant deputy minister, education programs; to my immediate right is Mr. Frank Clifford, who is the executive director, education services; and to Frank's right we have Dr. Ron Graham, who is the executive director, regional services. They are all senior officials in the Ministry of Education.

I noted with considerable interest your request for dispatch. In order to expedite things, we do have hard copy of our slides. If that would be in order, maybe the clerk could distribute that. Members may wish to follow along with this and that may expedite moving through it much more quickly.

Mr. Chairman: That would be very helpful. Thank you.

Dr. Podrebarac: On that basis then, as the material goes about, by way of introduction our intention this morning is to look at the overview. We have three categories upon which to focus, as you will notice in your hard copy and on the first slide.

With respect to the areas of concentration, part A will look at the context for the new policy, part B will look at the approach to implementing the new policy and part C will focus on providing immediately for the school year commencing September 1985. The intention is to try to give you a sense of the context within which we were operating which led to the current position. I will try to do that very quickly.

Going to part A, the context for the new policy has three major themes, but we have five subsections within this part. The first section will look at the historical context and some of the highlights therein. Our focus here will be primarily on the legislative context, going back many years ago to 1841 and looking very quickly at the evolution we have experienced.

Second, we will highlight very quickly some of the program elements, particularly as they

relate to curriculum, and some of the implications with which we are working, which again led to the establishment of the proposal.

Third, in keeping with that are the emergent financing issues relating pretty much to the program essence with which we are confronted.

Fourth, the demographic content and context is important, simply because of some of the interpretations that have been taken about the newness of this policy. When we look at some of the numbers, I think they will clearly underline for all of us exactly what is in place at present.

Fifth, we will highlight the former Premier's statement of June 12 and look at some of the principles therein.

I will move very quickly to the first section, the historical context. I may be able to move through this very quickly by saying to the members that much of what they will see on the next several pages has been extracted from a research paper we had commissioned by Robert Stamp. Robert Stamp did a very extensive historical background on legislation. We are prepared to provide copies of that to all the members and they, in turn, may want to read through it. What you have here is just snippets about some of the important dates.

For example, for 1841 we talk about the Day Act. The intention of the Day Act was to permit various denominational groups to establish and maintain one or more schools under the same conditions as other common schools.

The 1843 act restricts separate schools to being either Protestant or Roman Catholic but not individual Protestant denominations. To expedite this, members could flip through the hard copy. On page 3 members can then see how extension moved quickly to grade 10, or as we sometimes refer to it the fifth book. Then, as mentioned earlier, there is the important legislation of the Scott Act of 1863, which reinforces some of the guarantees in the Constitution Act.

This is a simple condensation of some of the major historical legislative changes in keeping with this issue.

We can give you copies of the Stamp paper, which I encourage all committee members to read.

Starting on the next page is an interpretation, taking it from 1841 to the present. We are talking about a 145-year period. We can make a number of observations relative to the legislative changes that have occurred.

For example, between 1841 and 1863, modifications to the legislation appear to be made to protect the parallel rights of common and

separate schools. Between 1867 and the late 1890s, the school question was again at the centre of heated political-religious debates of the day. There were two schools of thought. I want to highlight these.

Of the two schools of thought, one was the position that the Constitution Act of 1867 defined the minimum and maximum of the guarantee for separate schools; this is the beginning and the end. However, the other position very clearly stated that the intent of the guarantee was to ensure equal conditions; so freezing one system in time went against logic and common sense in the face of a changing society. These were the two positions; they continue to be debated at considerable length today. I wanted to highlight that section.

The Tiny township case of 1928 is referred to, which challenged some of those intents. Then our current position is stated, rather than getting into lengthy debate of our court reference, as members now know it.

The next one highlights the funding implications. As we moved with this legislation to look at ensuring some of the guarantees, funding adjustments were made in the sense of equality. As members can see at the bottom of the page, Ontario introduced weighting factors. They have been with us since 1978. This is one of the most recent of a series of adjustments that have been made to look at equity and equality of opportunity. That has led to some major discussions as to the appropriateness of the amounts.

I highlight for you at this time that the secondary school grant today is \$3,275 per pupil. The current weighting factor formula for separate school students in grades 9 and 10 is about 90 per cent of \$3,275. The actual difference is about \$328 between that being allocated to grade 9s and 10s in the separate school panel as opposed to those in the public school panel.

That is a very quick survey, in keeping with your suggestion; the Stamp paper will give you greater detail of that.

Mr. Chairman: Do any of the members have any questions? I do not want to ram this through, but I want to make sure we move quickly to the substantive issues of the legislation.

10:30 a.m.

Dr. Podrebarac: Section 2 of part A deals with the context of the new policy. With the legislative and funding moves, we move into a program context. I have one slide to highlight some of the issues we have been dealing with in the past several years with respect to program at the separate school level.

I draw to your attention that the first bullet starts to speak to OSIS, which is the Ontario Schools, Intermediate and Senior Divisions curriculum guideline framework. That came out of SERP, the secondary education review project. We were confronted with many issues in that debate dealing with the essence of program, or curriculum per se.

Questions were raised by many separate school boards in the province from time to time with respect to certain programs in the technological studies area. For example, we have programs called Linkage I, Linkage II. Many times we were asked about the eligibility of those in grades 9 and 10 for continuation into some of the other levels. The definition with which we were working sometimes did not allow that.

Under the program strand area, we found with respect to so-called continuous progress—course selection and movement—that there were often breakdowns at grades 9 and 10, leading into the grade 11 area. Course selection was sometimes limited, and we got into some major debates about that continuous flow and programming to meet the needs of students.

In keeping with the point of meeting the needs of students, we got into some special education legislation. We talked about gifted students. Often the question was about the movement of gifted students much more quickly along the continuum to be able to take courses in keeping with their needs, and the funding question was raised many times in terms of the appropriateness.

Another illustration of the program trend with respect to special education deals with the trainable mentally retarded. Several years ago, we made the decision that the separate school panel would have the right to provide programs for the trainable mentally retarded. The adjustments that were made across the province involved the movement of students from the public panel to the separate panel. There were funding implications, and some staff changes were made.

We found a buildup of program issues that led us to begin to consider exactly what the next step could or should be. I use that slide to highlight some of the program issues.

Mr. Chairman: If other committee members do not have any questions on that section, I have one. Dealing with the trainable mentally retarded, you said the offer was made that the separate school system could move into those kinds of programs. Do you have any information as to how many separate boards took that on? You also

mentioned there had been transfer of staff. Did any of that parallel in a small way what we are about to see, or was it all done with Catholic teachers?

Dr. Podrebarac: That is a very important question. Some considerable debate went on with the various interest groups, particularly with the Ontario Association for the Mentally Retarded, which were very concerned about what would happen to the quality of the programs. Also, questions were raised about staffing and staff transfer. After considerable discussion, most large school boards did move to take on the responsibility, and there was a great will to attempt to ensure continuation of quality and to transfer some staff.

Frank Clifford is the former director of the Waterloo County Roman Catholic Separate School Board. He has been seconded to the Ministry of Education over the past several months. Maybe Frank could add further information.

Mr. Clifford: On your question about staff, the agreement between Metropolitan Separate School Board and the Toronto Board of Education was the lighthouse one for the transfer of trainable mentally retarded youngsters. In that agreement there was a clause which said that if there were teachers displaced in the public board because of the transfers, those teachers would become the responsibility of the separate school board. The board I was involved with, for one, followed that lead. In practice, no teachers were displaced; they were picked up in the system. However, that clause was written into the agreement.

Mr. Chairman: Are there any more details on that? I would be interested in seeing figures if you could get them for us at some point.

Mr. Clifford: Yes; we could get that information.

Mr. Davis: In that process of the transferring of program, would there not then be duplication of facilities in the separate school system?

Dr. Podrebarac: With respect to the trainable mentally retarded?

Mr. Davis: Yes.

Mr. Clifford: Physical facilities?

Mr. Davis: Physical facilities and equipment.

Mr. Clifford: With the separate schools moving into the trainable mentally retarded area for the first time—and it was the first time, by the way, that the separate school boards were involved—certainly there was need for new equip-

ment in the startup. With respect to facilities, they were available and were just fashioned to accommodate those youngsters. There would be costs in equipment, yes.

Mr. Timbrell: What effect did that have on some of the existing Metro schools? That might be an interesting case in point to look at. It might well speak to some of the concerns we have, not only about the effect on teachers but also about the question of duplication of programs and facilities. What effect did it have on schools such as Bermondsey and Lucy McCormick, which are two with which I am somewhat familiar?

Perhaps we can come back that way and take Metro as a case in point: look at what the effect was in terms of the numbers of pupils who moved, the effect on teachers and to what extent there was a resultant duplication of facilities and programs.

Dr. Podrebarac: We would be happy to bring back that information, as we will, particularly with respect to jurisdiction. It is the Metro board which has the full responsibility for providing for the trainable mentally retarded. Again, it was that negotiation Mr. Clifford referred to earlier, about Metro dealing with the Metropolitan Separate School Board. They worked out what turned out to be a very positive agreement, and we will be delighted to dig that out for you. That goes back four or five years, but it was a very positive experience. I will be happy to do that.

Mr. Chairman: Thank you. Any questions?

Mr. Allen: You whipped us through that fairly quickly. You were asked to do so, of course, so I am not going to ask your apology for that.

We have moved off your central thrust in the questions so far, into duplication of facilities and so on. If I hear your main point, it is that the growth and complexity of secondary school programs have in recent years, even decades, required a kind of flow-through of programming that, given the break in the separate system, creates enormous difficulties, both administrative and in terms of studies for the students involved. Is that the main point you are driving at?

Dr. Podrebarac: Yes, indeed. You have pointed it out very well. In fact, if it is in order, we can have Mr. Green comment. Mr. Green was the chairman of the secondary education review project committee and received many delegations from various groups with respect to this issue.

Duncan, do you want to comment further on the issue?

Mr. Green: I expect everybody is familiar with the major dimension. Inasmuch as students are publicly funded to a great degree to the end of grade 10, it has almost become necessary to define those students eligible for funding by the number of credits they have achieved rather than being of a certain age range or being in a specific grade.

Inasmuch as from that point on they are dependent on private funding, there is a limitation to both the nature of the sophistication of the program and the facilities that would offer them a full range. The more sophisticated technical facilities, for example, are frequently not able to be placed in those kinds of schools and they are dependent upon goodwill or some other arrangement to encourage students to go into those kinds of programs.

Generally speaking, the public system has tended to be the system that students would look to if they wanted an education in business studies or in technological studies.

10:40 a.m.

Mr. Chairman: Do we have figures on the numbers of programs that exist in grades 9 and 10 in the separate system in those fields that then terminate, or any further information just to give us an idea of the size of the problem this caused with respect to programs?

Mr. Green: We can provide those.

Mr. Chairman: Personally, I would find that helpful. I do not know whether other committee members would like it. Yes, please.

Are there any other questions?

Mr. Davis: When your committees examined cases in which the program context is a renewal technology curriculum, was it the intent that it would also entail capital costs for equipment or facilities as it moved into the separate school?

Dr. Podrebarac: We have developed the issue here with respect to some of the implications on flow-through, against what we will say in a slide to come.

To ensure the equity, equality and quality of the experience to be provided, the question becomes, to what degree can we afford the duplication. One aspect you will see emerge as we go through this is to ensure the sharing issue is looked at, co-operation examined and the capital question explored in its entirety to avoid as much as possible the kind of duplication you are citing, Mr. Davis, which again is just not going to be that affordable.

Mr. Chairman: Is there anything further? If not, we might move on to the financial context.

Dr. Podrebarac: The third item in the policy context deals with the financing questions. We have touched on some of this in the historical legislative changes and some of the modifications in weighting factors. We have talked about the program strands and the difficulty of continuity we are sensing.

This highlights once again that the effectiveness of the weighting factor that has been in place since 1978 has arrived at a point where, in the view of many, its effect has been greatly reduced in ensuring, as was intended, that the equity question could be addressed.

The second point here is the whole question of the ability of school boards to pay, the intent of the mill rate questions. Again, Mr. Chairman, we have set out for you and the committee a briefing session that involves the overview. Next we get into the intensive treatment of the legislation.

Third, we want to spend considerable time on funding. In that third session we could start to speak to some of the considerable debate we have had as to what the costs would be and how they are calculated. At that point details will unfold. You will see we have developed them against certain assumptions we have talked about previously.

That is all this is. It highlights some of those financial issues for you.

Mr. Chairman: As members will see, we have set tomorrow morning aside for an in-depth discussion of funding issues. Unless members have questions on this at the moment, we can move on. Are there none? Okay, proceed.

Dr. Podrebarac: The fourth section in the overview dealing with context is demographic. Again, if we can take time to look at some of these very quickly, as I pointed out earlier this is intended to try to give you a picture of numbers within student populations and jurisdiction splits.

The first bullet talks about population as a whole. We are talking about approximately 35 per cent of the province's population of 8,534,260 being Roman Catholic.

The next point we tried to make is that 32 per cent of all grade 8 students in the publicly supported schools now attend a Roman Catholic separate school. Further to that, 15.5 per cent of all grade 9 students and 14 per cent of grade 10 students are enrolled in Roman Catholic schools.

On the next page, I want to point out for you that as of 1984, of the 166 school boards operating elementary and/or secondary schools in Ontario, 54 are Roman Catholic separate

school boards operating 1,346 elementary schools with 437,553 pupils from kindergarten through to grade 10. Again, that is an important figure for you to know.

Also as of 1984, 34 Roman Catholic separate school boards operated 110 schools that had an enrolment of 43,535 in grades 9 and 10. Further to that, as you can see, 33,267 pupils were enrolled in 83 Catholic private high schools in grades 11 to 13.

On the other side, there are 631 public secondary schools in Ontario with 545,919 pupils in grades 9 to 13. We thought it would be important to highlight for you that 174 of the 631 secondary schools are in single secondary school communities. As you know, that has had some considerable debate and we thought we should point that out in this context.

Another factor that is important to note is that enrolment in secondary schools in Ontario has declined from 613,830 to 545,919 pupils. In that same period, the private secondary school enrolment rose from 34,805 to 49,836. You can see the 11 per cent decline on the one side with the significant increase on the other.

Mr. D. W. Smith: If I could just ask a question here: have you any reason for this increase in the number of students who went to private schools, other than that some of them wanted to go to Catholic private schools? Is there any other particular reason?

Dr. Podrebarac: Is this with respect to the Catholic private schools?

Mr. D. W. Smith: Yes. The number who went to private secondary schools rose from 34,000 to 49,000.

Mr. Clifford: One of the reasons would be that more of the private Catholic high schools reached associations with separate school boards. Obviously, it was much easier to support and to run a private Catholic high school if you had an association with the separate school board.

Another reason would be that there were more of the program offerings, either prior to or just following the secondary education review project, which became available in Catholic private high schools that were not there before. The image of the Catholic high schools as being strictly the academic high school for a certain group of youngsters who went on to post-secondary school started to change with the changes in the curriculum.

A third reason would be that a lot of this population is strictly in Metro Toronto, where the

greatest growth in the private Catholic high schools took place.

Mr. D. W. Smith: Are those private secondary schools all Catholic, or are some of them Protestant?

Mr. Clifford: Those referred to here are not all Catholic private high schools.

Dr. Podrebarac: About 30,000.

Mr. Clifford: Yes, about 30,000.

Mr. Chairman: Could one person say that, just so I have it clear. I am not sure what the clarification is.

Dr. Podrebarac: Approximately 30,000 of that number are currently in the Catholic private schools.

Mr. Chairman: Okay.

Mr. Epp: Excuse me. Is that 30,000 of the 49,000? Is that what you are talking about? Okay.

Mr. Allen: Just to refine that a bit, two points ahead of that you gave us the number in 1984 for the Catholic private high schools, which was about 33,000. Can you give us some indication as to what the growth over this same period was in the Catholic private high schools as distinct from the private high school sector in total?

Dr. Podrebarac: We could get that for you.

Mr. Chairman: It would be interesting to see.

Dr. Podrebarac: Okay. We could do that.

10:50 a.m.

Mr. Chairman: Are there other questions on the demographics? One thing that struck me was that your figure of 174 for single-school towns is a large percentage of those 631 high schools. It is higher than I would have anticipated.

Mr. Timbrell: Throughout these discussions we keep coming back to what will happen in those towns when we complete the funding of the separate school system with respect to sharing of facilities. It comes back to the issue I raised in the House about the absence of anything in this legislation with respect to consolidated school boards or anything akin to that.

Dr. Podrebarac: Yes. That should highlight it for you because it is, as you know, an issue of some concern.

Mr. Allen: I wonder if you have a projection on the anticipated decline. Under the last point there on the page you have just completed, you have a drop from 613,000 to 545,000 students since 1977. What do the next five years tell us?

Dr. Podrebarac: We have some numbers on that.

Mr. Green: We do not have them with us.

Dr. Podrebarac: We do not have it, but we can get that.

Mr. Davis: I think it is fair to say the decline we are going to see in the secondary school has already moved through the elementary school, and so the decline is levelling out.

Mr. Allen: I understand that, but I want to know if they have anticipated the shift in any significant way from here in.

Mr. D. S. Cooke: When did we really get into the decline at the secondary level? I know the elementary level hit in the early 1970s. Is 1977 a real base year, or did the decline not start a number of years before that?

Dr. Podrebarac: Mr. Green has some data here for us.

Mr. Green: The decline would not have begun much before 1980 in secondary schools, perhaps about 1978. The figures I am reading now date back to 1981. In the secondary schools at that time there were 538,154 students. Since that time and coming down to 1985—and this number was projected at that point—there would have been 502,463. Over that five-year span, there was a drop of some 36,000 students in secondary schools. I think the decline set in slightly before 1981. I would have to check the exact figures.

Mr. D. S. Cooke: But 1975 was almost the height of enrolment at the secondary level.

Mr. Green: That may well be correct.

Mr. Chairman: Even though Mr. Davis's point is well taken, that it seems to be levelling out, I think it would be useful, if you have those figures for projection, to see them as deputations arrive. I think it would be good to have that.

Mr. D. S. Cooke: It might have levelled out in some communities, but there are other communities that are still looking to dramatic changes in enrolment at the secondary level.

Dr. Podrebarac: We will try to give you the breakdowns we have.

Mr. Chairman: Is there a regional breakdown or something?

Dr. Podrebarac: I think we have something along that line as well. We will try to put that together for you.

Mr. Chairman: Thank you. It would be very helpful.

Dr. Podrebarac: To sort of complete part A, I just want to repeat now very quickly the legislation and the historical context therein, the

funding implications, the numbers, the program issues, and then to refer again to the former Premier's statement of June 12, 1984. As you can see, there were four conditional sections in the policy announcement made by Premier Davis on June 12, which provided the contextual considerations for the extension of the funding eligibility.

It is important to highlight these in terms of some of the principles. (1) The funding would be phased in; (2) the viability of the current public secondary schools would be protected; (3) the existing capital facilities would be used effectively by boards and it was not the government's intent to spend large new amounts for capital grants; (4) the employment and seniority of staff displaced as a result of the new policy would be ensured, and (5), in addition, the Roman Catholic separate school boards would be asked to take a positive position on universal access of pupils limited only by the availability of space and funding. It is within that context that this statement was developed. That concludes part A.

Mr. Chairman: I think we are all familiar with the statement and probably do not need any questions on that.

Dr. Podrebarac: Part B is the approach taken over the last several months with respect to implementing the new policy. As you can see, we have five sections: guiding principles; the establishment of the commission; preparation of legislation; estimates of the funding requirements, and the last issue, referral to the Ontario Court of Appeal.

If I can highlight part 1, the guiding principles that were established in terms of implementation of the new policy, I would like to spend some time on these, if I may. Six basic principles were identified. The first one dealt with the viability of the public school system. This is one of the foundation stones upon which we have built the policy thrust. Again I point out that we have taken the position that the public school system must continue to have that quality and that ability to adapt and respond. We were very concerned about that.

Second, at the same time, the preservation of the distinct mission of the Roman Catholic separate school system had to be addressed, and so numbers 1 and 2 were uppermost in our minds.

Third, it was thought throughout that local solutions must be found to local problems. Again, this underlines the 174 single-school communities to resolve this in a meaningful way. The guiding principle throughout was that we must recognize local conditions very considera-

bly and that a province-wide solution often cannot be applied equally to differing situations. That was very important with us.

Fourth, the question of equality of opportunity, the idea of students coming first—coming back to some of the program strands we talked about earlier—and that in some communities the whole question of access to both systems was not only desirable but essential. You have seen the culmination of that in the draft and some of the implications therein. I know you will likely have considerable debate on the rationale of the current position. From our point of view, we have tried to look at this, and what is before us is what we consider to be a pragmatic limit at this point.

Fifth, the question of no loss of jobs is very much with us throughout. There are the questions of employment and seniority. Career protection for staff displaced by the new policy must be provided, and we have tried to look at that throughout.

The last area was that in order to ensure that these things could be done in a reasonable way, third-party support would have to be available, and that is where the establishment of the planning and implementation commission came in to ensure that such could be implemented. Those guiding principles were very much with us.

Mr. D. W. Smith: When you speak in part A of the viability of the public school system, were you referring to the secondary school system? When I see this statement or phrase throughout, are we talking of secondary only?

Dr. Podrebarac: Our primary focus is on the secondary school system.

Mr. D. W. Smith: I ask this because it could become a problem in the 174 communities, shall we say, if the majority of the enrolment goes to Catholic over Protestant schools, in which case the public school system could change in those 174 communities as I see it. I just wanted to know if you are referring to the public secondary school system throughout.

Dr. Podrebarac: Yes.

Ms. E. J. Smith: I have a follow-up question on that. The viability of the public school system is taken in a general sense here. Looking at any one individual community of those 174, is this meant to imply that the public high school is not viable?

11 a.m.

Dr. Podrebarac: That is a very good question. In terms of point 3, and coming back to the

first question as well and to our sixth principle about the third-party process, the planning and implementation commission and the establishment of the guidelines used by it in keeping with local solutions—and I would hope some agreements—the intention would be to focus on that to ensure that the viability of the system in its entirety is being addressed. In our view, that sixth principle became very important in connection with the planning and implementation commission so that its recommendations, as they came forward, would speak to many of those issues.

Mr. Allen: I suspect we will hear about this further from the planning and implementation commission when we hear it. However, as I understand it, with reference to the 174 communities with a single secondary school, one of the prior concerns of the implementation commission was precisely those communities and those schools. If I am not mistaken, no plan was to be accepted that would put in jeopardy the viability of any of those schools in those communities. Is that correct?

Dr. Podrebarac: That is correct.

Mr. Chairman: Are there any further questions at this stage? I am sure we will get into more of these when we get into the detail of the principles.

Mr. Timbrell: Just to pick up on the point Mr. Smith made—and this might better be a question for the implementation commission, which you may want to comment on—have there been any concerns raised about the viability of the elementary school system in any of these communities as they have looked at completing the funding of the secondary separate school system? I refer to concerns with respect to shifts of enrolment and problems occasioned by that with regard to the elementary panel.

Dr. Podrebarac: My understanding is that there had been a number of issues raised along those lines, but I think the commission could likely give you more specific detail about that. I also know a number of questions have been raised with respect to teacher displacement and the implications at the elementary level. In many instances, the commissions will be able to state clearly where certain submissions did come in from various boards. They were sent back for further clarification and modification. There has been that exchange, and it may have involved this question.

Mr. Timbrell: Surely the position of the ministry should be that if the elementary panel is

affected to any extent—say with regard to program or to displacement of staff: teaching, support or otherwise—then the ministry would be just as concerned about that as it is about the secondary school panel.

Mr. Chairman: Perhaps the minister would respond to that.

Hon. Mr. Conway: These questions, of course, are essential to the whole policy issue. Certainly it is my view, and the view of the new government, that completion must take place within the context of a strong and viable public education system. You will note this when we look at the particulars of Bill 30.

We have inserted in the legislation the provision that no separate school board can elect to offer a secondary program without ministerial approval. It seems to me and to the new government that there has to be an assurance, not only from the planning and implementation commission but also from the government, that an election for purposes of a separate school board offering a secondary program will not jeopardize the public education system that is and has been in place.

Mr. Timbrell: I take it from what you are saying that it would be your intent, where you find the institution of a program would put an existing public secondary school program in jeopardy, to say to a separate school board that it may not do that; it must, instead, work out some other arrangement for the purchase of service or sharing of a program, maybe the sharing of a school.

Hon. Mr. Conway: We see that very much as part of our consideration. That was discussed earlier in regard to technical education. That is a very good example, because there is no question of the costs associated with developing those kinds of programs. I think it was the member for Scarborough Centre (Mr. Davis) who was hinting at or speaking of those costs.

It is absolutely essential that this policy be completed in a way that maximizes use of existing facilities and emphasizes to a very great degree the purchase-of-service arrangements and a whole host of other creative and co-operative arrangements. We recognize that the public, the taxpayer, expects a quality of education opportunity at reasonable costs.

I can tell you from my personal experience, as a member for a county with a goodly number of single-school communities, that is exactly what I expect to develop in my own situation. It will be the view of the government that all encourage-

ment which can and should be given will be provided to ensure that happens.

Mr. Timbrell: Given your emphasis on local option, speaking to point (c) and relating it to these other issues and the question of the 174 communities with a single secondary school, do I take it that one of those options you will favour and look on favourably will be the establishment of consolidated school boards?

Hon. Mr. Conway: It is certainly my view that any and all arrangements that emphasize co-operation and sharing must be the order of the day. We will get to this when we look at the legislation. There is nothing in those arrangements that precludes that. One of the interesting things—and I am sure my friend the member for Cornwall (Mr. Guindon) could speak to this very directly—is that there is a lot of good news with regard to what has already developed with respect to sharing between boards.

I must tell you that I want to make sure we take all measures that will encourage that and not create, in the first instance, an impression that we are trying to force certain things upon people which might have the reverse effect.

The answer to your question, Mr. Timbrell, is that we expect there will be a high degree of co-operation, particularly in communities such as Renfrew and Stormont, Dundas and Glengarry, where the realities of distance, declining enrolment and single-school communities are quite clear to all concerned.

I should add very briefly a couple of other points. This is an optional plan. There are a number of separate school boards that are not proceeding, and in some cases they are not proceeding for obvious reasons. It may very well be that there are a number of elections for purposes of a Roman Catholic board offering a secondary panel that are partial, that recognize that in a number of these communities the status quo, which is the single public high school, will continue with perhaps just administrative change relating to tax designation and fee-back arrangements.

I believe it is absolutely essential for the people of this province and this Legislature to understand that the new government expects—to be fair, as the previous government expected—there will be a high degree of co-operation and a great interest in purchase-of-service arrangements and maximum use of current facilities.

Mr. D. S. Cooke: Has that been the emphasis in the first year? I have not seen a lot of evidence in the first year of any great understanding that sharing of facilities in the single-school areas is

something that is not only viable but also being encouraged.

Hon. Mr. Conway: That is something to which the planning and implementation commission can speak, and it is a reality to which the new government will speak as clearly as it can. I am being quite honest when I say I am hopeful these hearings will provide the government and me with good advice in that connection.

There are situations, of course, and your part of the province may be one of them, where early expectations of what might happen and develop are perhaps not being borne out by student transfers in the first instance. There is a lot of fluidity in the development of a number of these situations, and it is important that we create a clear policy context in which this develops.

Part of that policy context is that we expect a high degree of sharing, maximum use of current facilities, purchase-of-service arrangements and a host of other measures which I think the planning and implementation commission will indicate to you are quite well advanced in a number of situations, although not all, to be sure.

Mr. Chairman: Did the deputy have something he wanted to add? I noticed him nodding; I was not sure whether he wanted to get in on this.

Dr. Podrebarac: Just in agreement. Further to Mr. Cooke's question, with the next round of program submissions to the commission scheduled for November, I think you will see more of this emerging. Again, I think it is something the commission can handle in detail for you quite well when it is here.

11:10 a.m.

Mr. D. S. Cooke: One of the things we have to change, though, is the whole mindset, because when the original announcement was made, the interpretation of a great number of people was that there were going to be two distinct systems with two distinct sets of buildings and so on. Certainly, initial statements that were made by a number of school boards across the province reinforced that, which has not helped the situation by any stretch.

Hon. Mr. Conway: I think, Mr. Cooke, you have to assess those initial statements against current realities, not the least of which is student transfers. In many cases we will not know until we have a better understanding of how many people are transferring. In some cases the transfers in the first and second year are substantially more modest than many people would have predicted a year ago. That is going to govern the situation to some degree as well.

Mr. Chairman: I presume we will get that in a fair amount of detail from Mr. Newnham and his people when they arrive.

Mr. Jackson: I have a couple of questions. With regard to the guiding principles, I was interested to note that the matter of local solutions to local problems was highlighted and given that much importance. Not knowing when Dr. Ron Graham is going to be back here to see us, I have a couple of questions on that area.

To what extent were the regional offices involved with the planning and implementation commission in providing focus and attention to this issue? I hope they were not considered the third-party support to the commission, but I wonder if they were.

Then I have some other questions about life after implementation with regard to the role of the regional offices.

Dr. Graham: The model for implementation that was set up provided for the prime role for support to be that of the commission; but supporting both the boards, in preparing the planning documents the commission required, and the commission, in validating the information it received, the support role was that of the six regional offices.

They were involved with the individual school boards in drawing up the plans and giving advice wherever they could. Then they were involved with the commission after the commission had received the plans, especially in validating the number of objections that had come in from the boards. In both cases they were in a support role at the local level and at the provincial level in relation to the commission.

Mr. Jackson: If I might go one step beyond, given that their role was supportive and somewhat back-seat, as it were, when we arrive at some of the difficulties in these 174 single-school communities—I do not know if I can ask you this question. Do you support the legislation's position? Sorry, I will not ask you this question.

You will understand the point I was getting at, which was essentially whether or not the regional offices or the ministry should have the final say, through the minister of course, on handling matters that arise as local conflict.

Dr. Graham: I think the way the implementation model has been set up, the third-party prime role there would be that of the commission, and the regional offices of the Ministry of Education are in support of that. But the model calls for the lead role in resolving local problems, the third-party role, to be taken by the commission, and we support it.

Hon. Mr. Conway: Very briefly, Mr. Jackson—and this is again a subject about which we will have considerable discussion and debate in the coming hours, days, weeks and months—it is certainly an important question as to how we arrive at local solutions.

One of the judgements I applied was the extent to which the educational community had begun to deal by and large with the planning and implementation commission which had travelled across the province dealing with various constituent groups. It seemed to me it was important to build on that experience and on that sensitivity, as opposed to trying a centralized model that would be localized in the Mowat Block. Particularly if you are from the hinterland, that is not always considered as the fount of all knowledge in terms of local solutions. We will talk about this when we get into the legislation.

For some of that dispute resolution, there is very clearly an appeal to cabinet from the order of the planning and implementation commission; so the government is not without involvement. It was very important to me to try to work on what had been developing to see if we could not build on those arrangements. That was part of the judgement that explains the decision that was arrived at in Bill 30.

Mr. Jackson: We will continue the debate on that point.

Mr. Timbrell: I would only say that is picking up on my concern. I think there is a serious flaw in the way the legislation is drafted in that, rather than quickly resolving local disputes, the potential is there in the way it is set out for those disputes to be protracted over a considerable period of time with opportunities for judicial review and any number of other diversions from a solution.

When we get to it, we will want to speak to ways of streamlining the process. The commission can certainly be used as an independent fact-finder but one that will advise you, and through you the executive council, so you can make a determination without putting the parties through all the steps you have outlined in Bill 30, which involve expense, delay, acrimony and all the downsides we see in that process.

Hon. Mr. Conway: I recognize there is a difference of opinion between us on that subject and we will debate it further.

Mr. Davis: On item (c), local solutions to local problems, I hear the minister saying the government is prepared to have a diversity of resolutions to the issue across the province. Would that also include the Metropolitan Toron-

to area where one school board jurisdiction could be different from the neighbouring board? In other words, East York could be different from Etobicoke or Scarborough.

Hon. Mr. Conway: I do not fully understand the question.

Mr. Davis: You say you can have local solutions to local problems. I want to clarify that. I can understand that in the hinterland, but when you move into metropolitan areas, and I am talking specifically about Metro Toronto, it is possible that in a resolution of various concerns about the implementation of the separate school funding, the solution for East York could be different from the solution for the city of Toronto.

Mr. Chairman: How local is local? I think that is the question.

Hon. Mr. Conway: That is something that will have to be determined as events develop. The intention of the new government is to have as much flexibility as possible, taking into account local situations. To be quite honest, we pulled Bill 28, which deals with an important matter of public policy, because I felt the difficulty there was the imposition of a single model on a province that, in that connection, is too regional; it will not work.

It is important for me to reiterate that we expect there will be a range of solutions. Some separate school boards are not electing to offer a secondary program. In many cases, I expect the election will take into account a whole range of things such as sharing, purchase of service and a variety of other creative solutions that will respect the need to complete within the context of a strong public education system. Those are the two criteria I want to reiterate. We expect a completion only within the context of a strong and positive public education system.

11:20 a.m.

Let me be clear that there will be some tough judgement calls along the way, but I am committed to it, partly because of my own background. I know some of the difficulties. I could probably regale this committee with quite an interesting story about growing up in one of these single-school communities. I do not intend to ignore the realities I grew up with. I know only too well the importance of a composite, regional, public high school.

Mr. Allen: I do not have any significant problem with any of those guiding principles. They are critical for the implementation process in all respects. Our party moved to support them

as guiding principles long ago. However, some question has been raised about the prominent role given to the planning and implementation commission down the road in terms of the ongoing implementation process.

Since this is the first time you have been before us and since you are talking about guiding principles and presumably justifying them from your perspective, I wonder whether you could tell us why you feel that role is necessary, as distinct from the ministry taking on those functions and simply moving on with the program? Have you given consideration to that? You must have done so in the course of drafting the bill and providing the implementation commission with its ongoing high-profile role. What were the benefits for the process in that? Are there any losses in direct ministry contact with what is going on as the process continues?

Hon. Mr. Conway: That is a basic policy question. I am sure some of the ministry staff might want to comment, but I take full responsibility for that direction in the legislation. I do so for a couple of reasons, one of which I touched on.

First, we wanted to continue the practice that had developed in the first year. Boards had been dealing with the planning and implementation commission. The commission had developed an understanding for local situations. It had travelled the province and worked very closely with most of the involved parties and had begun to develop a good relationship in that context.

I wanted to continue that. I felt strongly about it. When you have the opportunity to canvass this aspect of our legislation with other alternatives, you will see there is a clear difference of opinion on that. From my point of view, the reason was I felt confident about what the planning and implementation commission had done and I wanted to continue it in the coming months and years.

Second, to be quite candid, at least in the first instance, I wanted to extricate the minister and the ministry from a lot of the particular difficulties that might be associated with some of these questions at the local level. I felt that if I as minister, and the staff as ministry staff, were too involved at too early a stage, the whole process might become too direct and political and might lose its legitimacy. I was concerned about that practical problem.

The question arises as to whether that judgement fairly reflects the requirements of good public policy. In the time we had, we had a fairly good discussion on this point. It may become

clearer as we have the benefit of other persons' views on the subject. I was particularly anxious to build on the experience and what I judged to be the success of the planning and implementation commission, which enjoys a good relationship with the ministry.

I suppose this deals with Mr. Timbrell's earlier point. I did not want to see the minister and the ministry involved at too early a stage in too much of the day-to-day discussion, because it seemed to me we would lose some of our objectivity and the whole process might lose some of its legitimacy.

Dr. Podrebarac: When we get to the next series of slides, I think you will see much of that reiterated.

Mr. Chairman: I have a question on the principles; it is an omission of principle. I am not a specialist in education matters at all, but one of the complicating factors I have noted in the last little while—and this may interest Ms. Carrier-Fraser—is the whole question of francophone education in Ontario.

In some of these communities where there is one high school, I presume the French as well as Catholic and public systems are involved, and I did not notice anything in the principles about the protection of the Franco-Ontarian reality in all of this. I know the applications of the other bill, and I wondered if you might have some comment just on the principle of the protection of those French-language educational entities in the province.

Ms. Carrier-Fraser: When the boards submit their plans to the commission, there is always the aspect of the French language that is being looked at there, so they deal with that issue on a separate basis within the plan itself.

Mr. Chairman: I have been asked by the clerk if you would get a little closer to your microphone when you speak; that is the only way it gets to Hansard.

My only concern is that in the mix of things, when you are trying to develop a program and you could have several entities within one school, the one that might get lost if there is no principle stated is the francophone entity. You might want to make sure you are protecting the francophone entity when it could lose program-matically. That is all I was concerned about.

Ms. Carrier-Fraser: The commission really looks at that aspect of things when the plans are submitted. It is within their guidelines and they do look at it.

Mr. Chairman: I will pursue it with them, then.

Ms. Carrier-Fraser: Of course, the franco-phone communities are making quite sure they are not forgotten in the process.

Mr. Chairman: I would expect so. I will pursue that with the commissioner when he arrives.

Hon. Mr. Conway: I should just add that the legislation anticipates some of this concern by stating that where there is an en bloc transfer, all the funding moves at the same time; so there is no jeopardy associated with funding what was there if it is moving from one panel to the second panel.

However, I want to reiterate as well that the commission has looked very carefully at the viability of the French-language instruction in all its considerations. I am sure they can deal with that tomorrow in some specific examples.

Ms. Carrier-Fraser: Within the legislation itself there is a clause specifying, as a matter of fact, that in en bloc transfers the program does not become fragmented because, where the French-language school is the only one in the community, you cannot possibly have a split. The en bloc transfer will satisfy the needs of the programs for the francophones there.

Mr. Allen: I have a request for information. Since the more complex situations we are encountering are in the single-school communities where there are up to three-way splits of programs and potentials for more, I wonder if it would be possible to have the ministry give us a list of the 174 communities in question and perhaps give us a note as to the program breakdown in each of those communities.

Mr. Chairman: Which would be easier to get that from? Can you get that?

Dr. Podrebarac: We can get that.

Mr. Guindon: I have a question for Ms. Carrier-Fraser. Is the ministry assuming that the francophone will either move en bloc or stay at the public level?

Ms. Carrier-Fraser: Nothing is being assumed right now, because every town in the province is going to react differently, depending on the needs. First, where the single school shares English and French and public and separate and all the pupils are in only one secondary school, it will probably have a different solution to the problem than will Ottawa-Carleton where there are more French-language secondary schools. Nothing is assumed; there are solutions for every area. There

are 30 French-language secondary schools in the province, and they will all arrive at different solutions, I am sure.

Mr. D. S. Cooke: What was the assumption that was made when you put in the specific section with regard to the Essex county French-language school?

Ms. Carrier-Fraser: In some of the negotiations that have been taking place there appears to be the possibility of an en bloc transfer in that area. They will likely have payments, for instance. The en bloc transfer would be to facilitate.

Hon. Mr. Conway: You are talking about the section of the bill that has the complementary amendments.

Mr. Chairman: I was wondering whether we should deal with that at this stage. I just wanted to raise as a principle that I wanted to see protection of those entities but not to get too much into the detail. We will have to come back to that, because the member for Windsor-Riverside (Mr. D. S. Cooke) may be right; there may be a single presumption there, and if that is all there is, we might want to look at more within the legislation itself in terms of protection.

Let us move along, unless other members have questions.

11:30 a.m.

Dr. Podrebarac: To refocus: In this section we are talking about the approach we are taking to implementing. The first section dealt with the principles, and I operationalized that. As you recall, in our discussion we talked about the role of the planning and implementation commission. The next page talks about the establishment of three commissions. Two of those commissions were established as commissions of inquiry, anticipating input to the ministry with the possibility of policy changes.

Two of those commissions are the Ontario Commission to Inquire into the Financing of Elementary and Secondary Education and the Commission of Inquiry into the Role and Status of Private Schools in Elementary and Secondary Education in Ontario, both due to report in the fall. These commissions of inquiry were established to inquire into some of the implications of extension. The financing commission was established in keeping with some of the financial issues that we referred to earlier as to funding elementary and secondary in ways and means other than those currently established.

The important point here is that the third commission established was the planning and

implementation commission. We keep referring to it as PIC. In the last little while it has been a very important process, that third-party arrangement. As we have said earlier, we have worked very closely with them. They have done a phenomenal job of planning and are now moving into more of an implementation mode.

The next series of slides shows the expectation held out for them. I will not belabour it. Most of you are aware of these, but I will just look at some of the words to remind us of their role.

The first aspect is to advise the minister in terms of the means. The second aspect is to look at the whole question of multi-year plans. Coming back to an earlier comment about the annual submission, the next deadline date is November, when we are going to look, after consultation with local boards and their material, and then the commission will advise the minister.

The third point is the advice to the minister concerning the question of new and altered Roman Catholic school zones. The commission just recently completed some research on that. They have not been as active in here but we may hear more from them on that.

The second page is the role of advice, the question of advising the minister in respect of the scope and direction of legislation required to enable arbitrations to be conducted with respect to the disputes that may arise locally, as you can see there.

The last point here is to consult with the Ontario Teachers' Federation, the school trustees, councils, etc., with a view to establishing processes they in turn can advise the minister about, looking at the involvement of some of the players to get the best advice to us.

I point out again at the bottom of that page, coming back to what Dr. Graham said earlier, that is the support role the ministry is playing with respect to the lead role PIC is taking. We have worked very closely with them to ensure awareness, involvement and, as was stated earlier in response to Mr. Jackson's question, the interface going on regionally as well.

You can see the role here is for the ministry to provide support staff as required. I am sure you will get into the details of this with them. They will also articulate the francophone issue.

The next slide is simply reiterating the fact that this afternoon we have the legislation people ready. Mr. Mitchell, Mr. Kirkwood and some other staff members will be here to take you through the legislation in detail, and they are prepared to do that as extensively as you would

wish, clause by clause, section by section or whatever.

Mr. Chairman: Word by word?

Dr. Podrebarac: Word by word; exactly. They are here and ready to start that this afternoon. I can skip that very quickly.

The next session we have, tomorrow morning, will deal with the funding requirements. It is important that the committee has stated to it very clearly some of the assumptions we used in establishing some of the costs, which gets into program issues and some of the capital issues as well. That detail will be available to you tomorrow.

Last in this section, in terms of the legislative framework, what we have done is included a page for your reference with respect to the Court of Appeal submission and the question raised. That concludes part B of context.

Part C deals with providing for the 1985-86 school year. What I am going to do at this point is ask Mr. Clifford to share with you the next series of slides. He will outline for you some of the activities that are under way for September implementation.

Mr. Clifford: Much of what I have been asked to speak to is a summary of what has been on this morning; so we can do it quickly and tidy it up, because this is the last formal presentation of this part.

The first one has to do with the box score of the commission's work with the separate school boards during this first year. There is no need to speak to it. Perhaps if there were questions I could respond to them.

I tried to find a common denominator in the second-last bullet. Nine separate school boards indicated they would not be submitting a plan. I tried for geography and I tried for size, and there was not really that common denominator. As close as anything is the fact is that the majority of these, if not all of them, do not have grades 9 and 10 at the moment. They would be making a new entry into the secondary school field.

Mr. Chairman: Could you tell us which they are?

Mr. Clifford: We have a list. I did not bring it with me, but I can provide that list for you.

Mr. Davis: I just want to clarify something for my own thinking. Those nine can decide not to offer education in grades 9 and 10 at all.

Mr. Clifford: Yes, that is their option.

Mr. Davis: I would assume there would be no great pressure put upon them by the ministry or anybody else to do it.

Hon. Mr. Conway: I can assure you that local election is entirely optional. It is certainly going to be respected by this ministry, at any rate. The answer to your question is—

Mr. Chairman: No, there will be no pressure.

Mr. Davis: Qualified.

Mr. Chairman: Has anybody asked any questions on that breakdown of the boards?

Mr. Allen: Which boards has the panel not found suitable and why not? What were the problems there that got in the way?

Mr. Clifford: First, the board is Kirkland Lake. When the commissioners are here, they can give you more specific details. As I reviewed them with the commission this morning, it had to do with the lack of co-operation between the two boards. I suspect there were reasons on both sides for the lack of co-operation: the public board wanting to retain its large public high school, and the separate school board wanting to co-operate on a very narrow base of co-operation. Therefore, those terms of co-operation broke off. The commission said, "If we cannot bring it back together, we are not going to approve the plan." They have all the specifics of that, but that is a summary comment.

Mr. Chairman: We will want to get into more detail on that tomorrow.

Mr. Epp: What is the follow-up to that? What happens now?

Mr. Clifford: They will not extend for the school year 1985-86.

Mr. Epp: For this coming year?

Mr. Clifford: For 1985-86.

Mr. Epp: So in the coming year you will be working at trying to bring the two together?

Mr. Clifford: I suspect they have talks going on now to see if those differences can be resolved, but for the school year starting in September there will not be extension.

Mr. Chairman: That will be so for the nine boards?

Mr. Clifford: Yes.

Mr. Reycraft: At what point during the year did the commission decide it would not approve that plan?

Mr. Clifford: Late April or early May.

Mr. Davis: You say 40 separate school boards have been reviewed by the planning and implementation commission, 39 of those have been accepted and nine have not. When you add it all up, it comes to 54. Where does the Metropolitan Separate School Board sit? I know there has been

no consultation with the implementation committee on the side of the Metropolitan Toronto School Board.

Mr. Clifford: They are included in the 39.

Mr. Davis: So you can have a plan accepted even though a public school jurisdiction has not entered negotiations?

Mr. Clifford: Thirty-nine agreements have been accepted by the commission and are awaiting approval from the minister.

11:40 a.m.

Hon. Mr. Conway: What that suggests, Mr. Davis, is that the planning and implementation commission is satisfied that the Metropolitan Separate School Board plan meets the criteria. It is important to reiterate that in the commission's mind there are 39 plans that meet the criteria. Those now have to be put into this legislation and approved by the minister.

Mr. Chairman: How many have been approved by the minister? Have any been approved as yet?

Hon. Mr. Conway: There have been none, in the sense that the formal authorization has not been granted, but in my two and a half or three weeks in office I have had regular consultation with the planning and implementation commission and will continue to do that. I reiterate that in this case the legislation makes it clear that no plan is approved without the minister's determination.

Mr. Davis: The question is, assuming the Metropolitan Separate School Board plan has been approved by the commission, or was accepted and is now waiting for your approval, would it be possible for the minister to approve a plan that has had no input from the public school system in that jurisdiction, be it Metro Toronto or anywhere else?

Hon. Mr. Conway: The answer is yes, if, of course, the minister has satisfied himself, as the commission had satisfied itself, that the completion can be accomplished, meeting the public policy objectives of the government.

Mr. Davis: I understand that funding takes place anyhow. Would it be your intention as of September 1 to implement the Metro Toronto separate school plan even though there has been no consultation with Metropolitan Toronto public schools?

Hon. Mr. Conway: I have certainly discussed the matter with the planning and implementation commission, and I have not made any final judgements in these matters, but I am quite satisfied, by and large, with the judgements the

PIC has brought to its deliberations. I am in the process now of simply going through those on a case-by-case basis.

I reiterate that, generally speaking, I am quite pleased with the work the commission has done.

Mr. Allen: Am I correct in thinking the plans for implementation, approved by the commission for any board, can range across a broad spectrum of options as far as the plan for 1985 is concerned; that is, in effect it may be only a partial implementation and not a complete implementation? It is very important for us get an answer to that, given the question of the posture of the public board vis-à-vis any given plan and its implementation.

While we do not need to explore it—I do understand it—is it true that the reason for the criterion of the implementation commission is that no public board be permitted endlessly to prevent, through its obduracy, the implementation of an acceptable plan? Was that the reason for that criterion in the commission's work?

Mr. Clifford: You have stated exactly the conditions under which the planning and implementation commission proceeded on it. The majority of the plans are partial implementations.

Mr. Allen: That was how I understood it.

I have a second question to the minister. The bill lays out the manner in which a board may legally move into secondary school status for separate programs, funding and what have you. What is going to be the procedure in the ministry by which you grant approval? Is there a mechanism or a detail there with which we should be familiar?

Hon. Mr. Conway: It is fair to say that in the first instance we have received the recommendations of the planning and implementation commission with respect to those boards that have indicated an interest in extension for 1985-86. You have seen the commission's recommendations in previous material. They have rejected one and have approved 39. We will, as a ministry, pass judgement over those, but I can tell you that generally speaking I am quite satisfied with the judgements the planning and implementation commission has applied.

A question was raised about Metropolitan Toronto. In that case we have difficulty because there has not been the dialogue that has taken place in virtually all other situations, and we have to make some judgements about that. Those judgements are being made by the ministry and the minister on the basis of the criteria set out. If we are satisfied that the completion or extension can take place in a way that meets those criteria,

we have no particular difficulty. The mechanism at the present time is a review by me, in which I involve senior staff, and it will undoubtedly develop in subsequent months and years.

Mr. Epp: Is it your expectation that all 39 boards will be approved by September 1?

Hon. Mr. Conway: I intend to complete my own review within the next little while and I expect to be in a position to indicate that at some early point. I must say it is quite clear the minister has the right to give that approval under this legislation, and I think the right must be there. Generally speaking, I have been quite impressed by the work the commission has done and I am very satisfied with its application of the criteria.

Mr. Epp: What happens if some of them are not approved?

Hon. Mr. Conway: If they are not approved, they are not approved.

Mr. Epp: Is there some interim plan? What happens?

Hon. Mr. Conway: In that hypothetical situation, presumably it is back to the drawing board as it is in Kirkland Lake. The two parties must decide again as to what the difficulties were, and those difficulties will vary in some cases. As to the Kirkland Lake situation, you would want to ask the planning and implementation commission more directly, but as I remember there was not a feeling that there was a proper co-operative environment.

In other cases, it might well be there could be a difference of opinion about some of the particulars, but essentially what would happen is what will happen in Kirkland Lake. The election is not approved for year one and it will be up to the two parties to return to the discussion table to see what can be done to improve upon the areas of deficiency or difficulty. Of course, then an approval can be sought for a subsequent year.

Mr. Timbrell: I have two questions for the minister, both of which revolve around the decision of the new government to refer Bill 30 to the Court of Appeal. When you complete your review of the 39 plans and put your signature to each of them, what are you going to tell the boards with respect to the potential effect of the court reference in terms of the long-term security of funding for those plans, particularly inasmuch as you are going to be funding them by way of regulations that may themselves be subject to reference to the courts for an injunction?

What are you going to tell them with respect to the protection clauses of Bill 30? Even though the funding will come by way of regulations, that, as

I understand it, cannot include everything else in the bill. Are you going to tell them they have to follow everything in the bill with respect to protecting teachers and with respect to the rights of students and parents and all others?

Hon. Mr. Conway: On the second point, I think it is fair to say the bill sets out conditions that have been voluntarily agreed to by the Roman Catholic separate school boards for the purposes of 1985-86. I think that in almost all particulars the conditions set out in the bill have been part of the voluntary arrangements that have characterized the discussions for 1985-86.

11:50 a.m.

On the first point, I will tell the respective boards my best advice is that this initiative is appropriate and constitutionally valid and that the government is proceeding on that basis. There is a contrary opinion, as you know. It was the view of this government that we had to make a judgement in that respect and I took some advice. I am sure the previous government canvassed these questions, as any government must when it undertakes this kind of an initiative. My advice to the boards will be very direct, that the best constitutional advice I have had indicates this is a valid undertaking and we expect to hear from the Court of Appeal in the not too distant future in that connection.

Mr. Timbrell: Pursuing both of those questions, there was a point raised by my colleague the member for Cochrane South (Mr. Pope), the former Attorney General. Is it your intention to tell the boards that whatever the outcome of the court proceedings, at the Ontario Court of Appeal or the Supreme Court of Canada, it is the intention of your government to guarantee that funding, whether it takes a notwithstanding resolution or any other means to do so?

Hon. Mr. Conway: We will make it very clear to the boards that we will proceed in a way that recognizes our commitment, which is quite clear. According to the vote of the Legislature last Thursday night, it is also the intention of the vast majority of the membership of the Legislative Assembly to complete public funding for the last few grades of the separate school system. While we expect a positive result from the courts, we will have to abide by their ruling.

In this connection, I would refer you to some comments of my friend the Attorney General (Mr. Scott) about the range of hypotheticals that attach to this or any other court action. We are a law-abiding government. We will certainly not act in a way that contravenes a court direction or

judgement. Certainly, we expect a positive result on the basis of our best advice. That is the indication we will provide to boards.

Mr. Timbrell: As you know, one of the hypotheses is that this may very well be found unconstitutional. It is not one with which I agree, nor would the government of which I was a part agree. However, if that should be the case, are you going to give an assurance that your law-abiding government will change the law in order to bring this policy decision into line with it?

Hon. Mr. Conway: It will be my assurance to boards of education and to Roman Catholic separate school boards that we intend to proceed, with the nearly unanimous support of the Legislative Assembly, to complete public funding of the last few grades in the Roman Catholic separate school system.

We have referred the matter to the Court of Appeal. We expect a relatively early and positive judgement, but we will abide by whatever it is. I reiterate, the Attorney General tells me the range of hypothetical possibilities is very considerable. I do not think it is particularly useful to start hypothesizing about what happens.

I have reiterated to various people in education that I have considerable confidence in the forthcoming judgement, but we will not know that until the Court of Appeal rules. I want to make it as clear as I can that this government intends to complete public funding and, assuming the court does not create any particular difficulties, boards of education and separate school boards should operate on that basis.

Mr. Timbrell: I have one final point with respect to the protection clauses in Bill 30. As you point out most, if not all, the implementation plans submitted to date include local agreement on those matters. Are you going to explain to the boards it may well be the will of this committee, and ultimately of the assembly, that those protection clauses be amended in some way? If so, are you going to point out that, having begun to accept public funds for the completion of the separate secondary school system they will be expected to follow whatever is the ultimate outcome of Bill 30?

Hon. Mr. Conway: There is a real sensitivity in the community. We want as good a bill as we can possibly get. There is a fair degree of understanding in the educational community that the work this committee is going to do is going to be positive and productive. If we can improve upon certain of the provisions, as I hope we can,

they will be accepted by the educational community.

On the specific question you raise, I do not think we want to deviate from first principles. The first principle in this connection is that no public school teacher or employee should be disadvantaged as a result of completion.

Mr. Timbrell: Or pupil, surely.

Hon. Mr. Conway: Or pupil. Looking at the provisions in the Legislature dealing with teacher and employee protection, for example, and there are others we can use, the principle upon which we have operated is that no public school teacher or employee should be disadvantaged as a result of completion.

It may very well be, as my friend the member for Hamilton West (Mr. Allen) and others raised in the debate, that some of the language needs to be clarified. There may have to be some tightening up to clarify certain questions. The committee wants to be reasonable and sensitive on those subjects, as I think the educational community and the community at large will be. I do not see a difficulty in that connection, assuming we operate from those kind of principles.

Hypothetically, if you were to suggest we wanted to change that principle somehow and leave more open the prospect that public school teachers, staff or other employees might somehow be disadvantaged, then I think there might be some real difficulty.

Mr. Timbrell: I want to make it clear though, and obviously we are all working from essentially the same principles, that how they are to be spelled out is obviously open to debate at some point, probably quite a way down the road. I want to be sure—

Mr. Chairman: Not too far, I hope.

Mr. Timbrell: I hope this year. I want to be sure the directors and trustees of up to 39 separate school boards will understand that the bill is your proposal and that the bill, as it comes out of this committee, may be amended in some manner or means. In that case it will become ultimately the law of the land and, therefore, the governing set of rules and conditions over the completion of the funding of the separate secondary system.

Hon. Mr. Conway: I said in my second reading comments that I believe the people of Ontario are an understanding and generous people. I think those characteristics also apply to separate school boards. I have firm evidence that they have been in recent months and I expect they will continue to be so in the coming weeks.

I am in my third week of travelling down a road that others travelled for 13 months. I know others appreciate the creative challenge in this connection. I am quite anxious that this committee continues to work in a way that produces the best possible legislative framework to see done what a vast majority of the members of the Legislative Assembly apparently want to have done.

Mr. Chairman: We are probably at a stage where I would like to move us along. I have a couple of other people on the list, unless you have a new point, Mr. Timbrell. Mr. Davis and then Mr. Cooke.

Mr. Davis: My party and I both agree with the thrust of the minister's closing remarks and certainly of his opening remarks when he said we should begin funding across this province as of September 1. To my mind, that includes Metropolitan Toronto.

12 noon

I have not seen the implementation commission's report on Metropolitan Toronto, but I am led to believe the public school boards have seen it. I am also led to believe the minister is now considering how he going to handle that issue. In that report—if the public school boards have not made a response, which I understand they have not—if part of the implementation is the sharing of facilities or the transfer of facilities, would the minister implement those now or would he wait, as I understand the public school boards in Metropolitan Toronto are going to wait, until the court has made its ruling? I have great concern both for the students and the separate school board now moving into these areas. Would you somehow house those students and facilities in some other form, be it portables or whatever?

Hon. Mr. Conway: It would be very useful tomorrow, when the planning and implementation commission is here, to ask the commission at some length about the Metropolitan Toronto situation.

Mr. Chairman: I will ask the clerk if we can get something definite from them on that.

Hon. Mr. Conway: It is also important for me to indicate that in the first year none of the plans involves any significant space requirements. You will see in a moment the provision for 115 portables which are part of the first-year plan. By and large—I stand to be corrected by any of the ministry people—in the first year, the plans are all such that there are no major capital implications. Those are matters that will develop as the second and third year of implementation continues.

In the first year, there is no anticipation, beyond the portables mentioned, for any additional capital requirement. By capital, I mean even any significant sharing. I think I am right in that. The Metropolitan Toronto situation is an important one. I am sure the commission would be very happy to speak at some length and in some specific detail to that situation.

Mr. Davis: I have a supplementary question. It may be asked tomorrow, but I would like to impress this upon the minister. It has to do with subsection 136t(2), on the planning and implementation commission. In that the commission may require from a public board that is affected information that relates to programs, facilities and supervisory officers, teaching staff and other staff that will likely be affected by this change.

In areas as large as Metropolitan Toronto, certainly in staffing and nonteaching staff there are going to be some significant changes come September 1. It is also my understanding—it is not only my position and that of my party but it is also your party's position—that you have great concern for the public education system. Tomorrow would be fine for the answer to my question, but how do the minister or the implementation commission plan to deal with the fact of the dislocation of staff across Metro in the public education system if there have not been any meetings and so forth with the separate school boards?

Hon. Mr. Conway: There has been considerable progress on that score that the commission better share with you tomorrow.

Mr. Chairman: I have asked the clerk to get the Metropolitan Separate School Board plan as part of its presentation tomorrow. I do not know if they will be willing to do that, but I have asked her to make that request. We can make that a focus for tomorrow.

Mr. D. S. Cooke: I am going to ask my question this afternoon when we get to the section in the legislation.

Mr. Clifford: In review, we are looking at the current school year, 1985-86. We have looked at the results of the planning and implementation commission's work.

The next slide simply shows the group of students who are being provided for in 1985-86. It includes students transferring from the public secondary schools, those students who normally would have been in the private grade 11s. We are also looking at the additional costs for grades 9 and 10 enrolments. If there is concern or interest in the number of youngsters involved in each of

the first two, they will be dealt with. As you have the presentation on the financial aspect the actual number of youngsters will come in each of those.

The next slide has also been dealt with. The accommodation situation for 1985-86 where there has been a need for additional space that could not be provided in other ways has been looked after by portable classrooms; the number of 115 which was spoken to and the breakdown of where they are in Ontario.

Mr. Davis: Is it the ministry's intention to remove those portables as quickly as possible through the sharing of facilities or the building of new buildings? You know and I know that the educational components and the quality of education can be restricted when using portables.

Mr. Clifford: Regardless of the solution that is found, I think it is always the intention to bring youngsters back into permanent facilities rather than to use portable accommodation.

Mr. Davis: The solution will be to share the facilities.

Mr. Clifford: There are a multitude of solutions, such as sharing, co-operation, leasing, etc.

Mr. Epp: When you talk about portables, are they additional to the ones already at the various schools or is this a reshifting of portables?

Mr. Clifford: These are additional portables that are applied to situations where extension has created the need. They are in addition to the numbers already there and they are in addition to the numbers that would have been provided regularly this year for expanding and growing boards.

Mr. Allen: Can you provide us with information as to the numbers of students in each of the systems who are now housed in portables?

Mr. Chairman: You can let us have it whenever you can pull it together.

Mr. Davis: With that information, I think it would be important to know the number of portables that will be in our large metropolitan areas, in the large centres.

Mr. Chairman: Do you mean a regionalized breakdown?

Mr. Davis: Yes.

Mr. Chairman: Let us do it in general, because it may be a large problem in some specific smaller communities.

Mr. Clifford: I will go to the next slide. It looks at three memoranda that have been sent to school boards. Two address the opportunity of

leaving the greatest scope possible for solving the physical accommodation needs.

The one listed as (b) went out almost a year ago and it addressed provisional procedures for capital projects that were relevant to the implementation of this new policy. It addressed four different areas.

Secondary school projects: those that had been approved but were still at the design stage were frozen. Projects for accommodation for grades 9 and 10, separate school boards: all projects were delayed. Surplus secondary school buildings: no approvals were granted from that date on to dispose—"dispose" in that case meaning by sale, lease or demolition. Surplus school sites: the restriction was placed that all surplus school sites could not be transferred out of what was called the educational system so that they would be available if and when needed.

Each of those four categories has provisions for requests for exemption. There were some requests for exemption and some requests were approved under the heading of secondary school projects that had been delayed.

The May 15, 1984, memorandum simply referred to the sale of buildings between boards. That memorandum prevented, from that date into the future at least, the termination sale of buildings between boards, but it extended the provisions for leasing. Both of those memoranda are intended to leave as wide a base as possible for the solution of physical accommodation.

The general legislative grant memo, which is an annual memo, in addition to giving all the information it does regarding the usual amounts of money and the factors, the grant ceilings, etc., spoke to amendments that would be coming to this regulation. It spoke to an amendment addressing both boards. It mentioned that amendments which would be made would be for additional amounts of money being applied, therefore not taking from existing money.

It mentioned for the separate schools that in grades 9, 10 and 11 they would have the same rate of grant that is offered to the public school system, including special grants such as for special education, furniture and equipment.

It told the boards of education that the extra costs that come because of declining enrolment which in the immediate future cannot be picked up and transferred would be looked after. That speaks of such things as heating costs; students go and students stay, but heating costs and custodial costs and so on remain.

Those three memoranda have been sent out.

Mr. Chairman: Is there any perverse interest by members of the committee in having those memoranda? Are they in our black book already? I do not think so.

Mr. Clifford: We certainly have lots of them if you wish them.

Mr. Chairman: I do not hear an outstanding cry for them, so I will not ask for them now.

Mr. D. S. Cooke: I have a question on part C. Obviously, the decision to proceed by regulation for September of this year was made quite some time ago.

Mr. Clifford: The memorandum simply spoke to the provision of supplementary grants and what would be in them if that were authorized. It left the option.

Hon. Mr. Conway: Mr. Norton's memorandum, which is the one referred to in part C, apparently bore the date March 29, 1985, and it set out conditions that Mr. Clifford has just indicated.

Mr. Chairman: Do you want to see that?

Mr. D. S. Cooke: I am just clarifying in my own mind that obviously the former government also had made the decision that if the legislation had not been passed, regulation would be the route to take for this fall.

Mr. Chairman: How long are these memoranda?

Mr. Clifford: One is brief, the second is medium and the one on general legislative grants is, as usual, a long one.

Mr. Chairman: I was afraid of that. What is the interest of the committee? Do you want these copies? I think we probably better have them.

Mr. Clifford: With respect to interim funding arrangements for 1985-86, this simply goes back to a summary of the slides. Additional pupil enrolment costs are being addressed, as are portable classrooms for emergency accommodation, provision available to public boards, declining enrolment, and those costs I mentioned that could not be immediately transferred.

The bill speaks to provision of financing for staff contracts, which cannot be transferred over, and then finally leaves the opening for discussion, of which I am sure you will have plenty, regarding the additional factor of capital renewal when that comes in future years.

Mr. Chairman: Are there any questions on this section? I presume we will deal with a lot of

this again tomorrow morning. There are no questions.

I would request just a couple of pieces of information. First, let me thank these people. Is everybody going to be back?

Dr. Podrebarac: We will have different faces, and some of us will be reappearing.

Mr. Chairman: I thank all of you who have made an appearance before us today. It has been very helpful for committee members with respect to getting our feet wet here.

For the information of members, the drafts mentioned by the minister at the beginning are available to us. They are just being collated and we should have them for you this afternoon.

I should say to the people who are attending, whether they happen to be press or interested parties, the coffee over here, as long as it lasts, is available to you as well as to committee members. I would like to recall the committee at 2:15 rather than two o'clock, if that is all right. We will proceed and we can make a judgement later in the afternoon about how much of the legislation we will cover today and how much we want to put off until later.

Mr. Timbrell: On a point of order, Mr. Chairman: This is just a procedural matter. We discussed several times publishing the advertisement in various newspapers. The member for Mississauga South (Mrs. Marland) has raised a concern with me—and she may have discussed it with the clerk of the committee, I do not know—that the Mississauga News, which covers one of the largest municipalities in the province, would not fit our criteria. She has asked me to raise that concern and see if it could be included on the list for the advertisement. If you want to discuss it afterwards, that would be fine.

Mr. Jackson: Did I not indicate weekly papers in communities over 50,000? That would qualify that paper.

Mr. Chairman: In terms of the list of the advertising company through which we are working and how it operates, I gather that was considered to be part of the Metro catchment area. Why do we not discuss this afternoon whether we would like to make a supplementary request? We will no doubt have to put in a later date for those people to file, but because we are likely to be sitting for a while that should not be too large a problem for that one exception.

The committee recessed at 12:14 p.m.

CONTENTS

Tuesday, July 16, 1985

| | |
|---|-------------|
| Education Amendment Act, Bill 30, Mr. Conway, recessed | S-3 |
| Recess | S-24 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Conway, Hon. S. G., Minister of Education (Renfrew North L)
 Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
 Davis, W. C. (Scarborough Centre PC)
 Epp, H. A. (Waterloo North L)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Reycraft, D. R. (Middlesex L)
 Smith, D. W. (Lambton L)
 Smith, E. J. (London South L)
 Timbrell, D. R. (Don Mills PC)

From the Ministry of Education:

Carrier-Fraser, M., Assistant Deputy Minister, Franco-Ontarian Education
 Clifford, J. F., Acting Executive Director, Education Services Division
 Graham, Dr. J. R., Acting Executive Director, Regional Services Division
 Green, D., Assistant Deputy Minister, Education Programs
 Podrebarac, Dr. G. R., Deputy Minister







No. S-2

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act



First Session, 33rd Parliament

Tuesday, July 16, 1985

Afternoon Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)

Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

Davis, W. C. (Scarborough Centre PC)

Epp, H. A. (Waterloo North L)

Guindon, L. B. (Cornwall PC)

Jackson, C. (Burlington South PC)

Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

Clerk: Mellor, L.

Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, July 16, 1985

The committee resumed at 2:21 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I see a gathering quorum. I ask the members and the minister to take their seats. Amazingly, we are right on schedule. I am sure that will deteriorate quickly but the auto-cracy will remain from the chair.

This afternoon we are going to deal with the legislation. We have a number of ministry officials here. I am sure Mr. Mitchell, the director of the legislation branch, will introduce them for us, or somebody will, whichever one is going to take charge and tell us how they would like to proceed.

Mr. Mitchell: As a matter of fact, I would like to begin by introducing this intrepid band of workers who have laboured very diligently for a number of months now on this legislation. To my immediate left is Mrs. Anu Church, a legislation officer in the legislation branch. To her immediate left is Bob Copeland who is our legal counsel, resident in the legislation branch. He is on secondment from the Ministry of the Attorney General. To my immediate right is Mr. Bill Kirkwood, an education officer in the branch, who will play a major role this afternoon in walking us through the bill, if that is your wish, and helping us all to understand the bill a little better.

As Bill Kirkwood takes us through, Anu Church will jump in from time to time with some conversation and explanations about issues we think are inherent within the bill, some of which gave rise to comments during second reading debate on the bill.

Bob Copeland, our legal counsel, is also going to jump in as required and he will also handle any technically legal questions that may arise at the same time.

I will dispense with some of the introduction I had planned to give to this part of the briefing because much of what I was going to say has already been covered marvellously this morning. By way of introduction, I would just indicate that in our endeavours to work at the legislation for

what is almost eight to 10 months now, we have had a number of different people involved outside of the legislation branch. I would not want to pass up this opportunity to acknowledge their involvement.

Senior officials of the ministry have been most kind, patient and helpful to the branch. The senior officials of the Ministry of the Attorney General have been involved throughout the process and have been exceedingly helpful.

The Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario has been involved with us from time to time throughout this period. They too have been very patient with us and very helpful. They have validated several different versions of the bill at various points and their assistance has been very welcome indeed.

To reiterate one or two things that were said this morning, just a few of the assumptions that underlie the bill, one is that we feel and the Attorney General's ministry feels at the present time that the bill is, as far as we can determine at the present time, constitutionally sound.

Another assumption underlying what we are going to say is that the planning and implementation commission has a large role to play in ensuring that things work at the local level. The last assumption I would mention is that things must work at the local level if this policy is going to be implemented smoothly. Much of what is in the bill rests on those assumptions; that is if it is to be realized effectively.

Without saying anything more, if it is your wish I will ask Mr. Kirkwood to start to walk us through section by section. If at any point you feel you would like to speed up the process or slow it down, please indicate to us and we can do whatever you wish.

Mr. Chairman: I think the easiest way to do it is to start off. I will watch hands going up, and we can interrupt you with questions periodically. You can use your judgement about areas that do not need much discussion, that are more house-keeping kinds of things. Please let us know as we enter them.

Mr. Kirkwood: I will start off with a comment or two about the preamble because it is not usual to have a preamble in an amending piece of legislation. This is an attempt to lay the

groundwork for any constitutional argument in favour of the bill. It lays out the history very briefly and that is supported by the details Dr. Stamp produced in his brief history that was mentioned this morning.

Section 1 is a housekeeping matter for the most part. It contains a number of definitions, although the first one defines "planning and implementation commission" for two reasons: (1), because the Education Relations Commission is mentioned once in the bill and we had to differentiate; and (2), just for ease of reference throughout the whole bill, rather than having to put in that whole paragraph in every instance.

Previously, "public board" has not been defined in the Education Act, and we had to define that particular creation. So too with the term "Roman Catholic school board." As you are aware, the existing school boards are Roman Catholic separate school boards. In order to differentiate between the separate school board that offered junior kindergarten up to grade 10 at the most and the new organizational structure, a new name was created: the Roman Catholic school board.

"Separate school board" was not previously defined in the act and that becomes the umbrella term to refer to all separate school boards whether they be RCSSB or Roman Catholic school boards.

Section 136a lays out the local option for school boards to elect to perform the duties of a secondary school board. That election has to be passed by bylaw and then the minister will approve on the basis of the recommendation of the planning and implementation commission.

I would like to ask Anu Church to proceed with that one.

Mrs. Church: It was discussed this morning when it was noted that the planning and implementation commission has been working with boards on the development of plans from the separate boards, and what have been referred to as impact statements from the public board operating in the same area, to arrive at a scheme that will enable the Roman Catholic school board in the area to provide secondary education while still protecting the viability of the public system.

Once the commission has approved the plan as being suitable, it comes to the minister for his approval. At that point, the secondary school board will be able to provide secondary programming and receive funding for it. There is a transitional provision in section 136f of the bill. That is to cover off the 1985-86 period, because the bill is not in place and the commitment has

been made to enable those boards to carry on with secondary programming, subject to approval by the planning and implementation commission of their plans.

2:30 p.m.

Mr. Davis: I need some clarification. In subsection 136a(3), the section on approval, it says, "the commission is of the opinion that the first annual implementation plan formulated by the separate school board for the purpose of providing secondary school education..." has been accepted by it.

I can only assume it must also be accepted by the public school, but if it has not been, then I guess you would have to go to the appeal. Does it just go anyhow, or have you had that?

Mrs. Church: I think you are talking about the case where the public board in the area has not co-operated, in effect.

Mr. Davis: Or is it just that they are not happy with it?

Mrs. Church: I think the ministry would be guided by the advice of the planning and implementation commission. If they look at it and feel it is still appropriate to go ahead, presumably they would make that recommendation. If they felt they had inadequate information on which to base their approval, then that would not be forthcoming.

Mr. Davis: As a supplementary to that, would you be informed that the public system in that area has some problems with the proposal? Would that be part of the information that would be passed on to you?

Mrs. Church: I would say, yes, in that there would not be an impact statement received from the public board. Its absence would indicate they had not participated in the process.

Mr. Davis: I was saying they were active in the process but did not agree to everything that came into the statement. Have you had that situation, or how do you handle that?

Mr. Mitchell: In my view, it would be difficult to conceive of the planning and implementation commission not forwarding that information to the minister at that time.

Mr. Davis: Then the minister would have to make a decision on that?

Mr. Chairman: In the end it becomes a hot seat, there is little doubt about that.

Mr. Allen: I have a question with regard to the relationship of the minister's approval and the commission's opinion that the first annual implementation plan is acceptable in relationship

to the legality of providing secondary education through a Roman Catholic school board. What is the significance of a second plan in that legality? If the legality of implementation hinges upon the acceptability of the first annual implementation plan, how does the second annual implementation plan relate to the initial legality that is conferred by that?

Mr. Mitchell: I think what the bill really is saying is that approval of the board's bylaw in the first instance is contingent upon the minister's approval of the first plan, the first round of board plans, as recommended by the planning and implementation commission. However, since the implementation of this policy is by virtue of a phase-in period of probably three years on average, it is the commission's prerogative in the bill to approve those board plans in the subsequent years as well.

What you are really talking about is a one-time approval of the first plans and the board bylaw, and then subsequent approvals of the subsequent board plans as submitted and recommended by the commission.

Mr. Allen: In other words, the legality does not extend beyond the approval of any plan; that is, a board may not take any initiative beyond that given by the approval of a plan, whether it is the first plan, the second plan or third plan down the road.

Mr. Mitchell: In operational terms, yes, that is right.

Mr. Chairman: Are there any other questions on this section or is there more you would like to deal with on this section, Mr. Kirkwood?

Mr. Kirkwood: Just to note that this is an approval to offer secondary programs. Further on in the bill is the relationship between the approval to offer the programs, the following of the requirements of this legislation and the general legislative grant which then flows the money to the board that has the approval to offer the program, so it is a two-stage approval.

The rest of that section deals with the administration of sending information to various groups that need to know about it.

Section 136b deals with the time when the bylaw is passed. Effectively, what it says is that if a board wishes to extend in September of a given year, it must have passed its bylaw before June 30 of that year. Otherwise it would come into the following school year for the beginning of the extension of the program and subsequently the funding.

Section 136e is the section I referred to that gives the authority to provide the general legislative grant and the conditions thereunder, which include following this particular piece of legislation and the general legislative grant that would flow under it.

Mrs. Church mentioned section 136f, which really is the transitional and, in a sense, retroactive clause that will give force back to 1985 in terms of this bill for the purposes of passing the bylaw to offer the program.

Section 136g gives the phase-in mechanism with respect to the grades that are allowed in a given year. If a Roman Catholic separate school board was offering grade 8, it would be allowed, if it chose, to offer both grades 9 and 10 in the first year of implementation. If it was offering grade 9, it would be allowed to add only up to grade 10. If it were offering grades 9 and 10 already, it would offer grade 11. The reason for the double phase-in for the board that was offering only up to grade 8 is that this is legally possible right now, and therefore we are making it consistent with current practice and legislation.

Mr. Timbrell: Just to go back to subsection 136e(2), where it refers to "the regulations," are these the regulations which govern the secondary school system at this time or are these to be new regulations that relate to this?

Mr. Kirkwood: These are the new regulations.

Mr. Timbrell: Do we have those?

Mr. Chairman: I have not seen those as yet. Are the regulations prepared as yet? Are they available?

Mr. Mitchell: These would be essentially amendments to the general legislative grants regulation.

Mr. Timbrell: We will discuss these when the general legislature grant, the GLG—

Mr. Mitchell: Yes.

Mr. Timbrell: Nothing else.

Mr. Chairman: Flowing from that memorandum we were told about this morning?

Mr. Mitchell: Yes, precisely. Going back to that discussion this morning, that really just makes reference to the fact that at any time when moneys flow to school boards some kind of adjustment to the general legislative grants regulation is required. At the time that memo was put together, we had no way of knowing with the clarity we have today whether or not the bill would be in place by September 1. Furthermore, whether or not the bill was going to be place by

September 1, we would have had adjustments to the GLG. This is just as an aside.

Mr. Kirkwood: Section 136h deals with sharing in the general legislative grant for French-language schools, and this ties in with the notion of the en bloc transfer and the fact that there would be an entitlement to those moneys under general legislative grant, because the provision for the en bloc transfer deals really with the authority to move the whole school, where there is a school, over to the separate board in that case. That is a little different from the general year-by-year flow for the extension of funding to separate schools.

Mr. Chairman: Do I understand this is a permissive section which allows for the en bloc moving of a French entity to a Catholic school, but does not deal with programmatic increases in that particular Catholic school to start some French entity?

2:40 p.m.

Mr. Kirkwood: That is right; it just deals with the funding side of it.

Section 136i has to do with representation on boards of education by trustees elected by separate school supporters. In the current provision of the bill, the general provision is that if there is an extension, trustees will not sit on the board of education, if there is a coterminous Roman Catholic school board, after 1988. The provision for the interim is that in the January 1 following the September of the extension, those trustees would drop off the board. We did note in the debate on second reading there were some comments made about the possibility that trustees would be elected on November 12 and lose their jobs on January 1.

The rationale behind that particular date in general was that under the provision for the switching of public school rates paid by separate school supporters for secondary purposes, those rates would switch over as of January 1 and there would be trustees sitting on boards without any trusteeship of funds, so to speak. Therefore, the trustees would drop off at the same time as the taxes move over.

Mr. Chairman: If the entire transfer had taken place?

Mr. Kirkwood: Yes.

Mr. Chairman: But if it had only gone partially—

Mr. Kirkwood: The understanding would be that the taxes would switch over in total and then when you deal with student access, pupils who were in the public system, children of separate

school supporters would, as a matter of right, continue on to finish their high school career, if they chose to.

On the other side of it, at any rate at that point, there would not be any money contributed by separate school supporters to the board. That is really based on the assumption of trustees of public funds, as opposed to representatives of particular students in particular schools.

We did have considerable discussion over that anomaly, in a sense, that you would have pupils who were unrepresented. We felt that by having the separate board receiving the taxes and then paying fees on behalf of those pupils in the public board, that in fact they would have the trusteeship of the funds and would have some measure of control over the education of at least the pupils who were under their care.

Mr. Chairman: All right. Committee members will have questions on this.

Mr. Timbrell: I was one of the ones who raised this in the second reading debate. It seems passing strange to me that individuals would stand for election to the six—just to use Metro as an example—Metro public school boards this November 12, only to find, assuming all goes as proposed by the minister, come six or seven weeks later they are no longer members of that board.

I do not know why—and we can get into this at a later stage in this committee's deliberations—we would not amend this in some way so it would simply be that those people who are currently separate school representatives on those public boards until January 1 would continue to be so and, in effect, wipe out elections for those positions and not put individuals to such expense and the public to some inconvenience, and certainly a lot of confusion.

Mr. Chairman: Do you have a response?

Mr. Mitchell: Yes. In the various previous manifestations of this bill we have fought our way through over the previous 10 months or so we have been around the bush on this one quite a few times. Each time we have gone around we have come up with a slightly different version on it, as we have on other aspects of the bill as well, as I am sure you know already.

It seemed to us throughout that on this particular issue there is very little disagreement on the central theme, on the issue itself, that the separate school representatives on boards of education should drop off once the assessment had swung over to the support of the new Roman Catholic School board. The question throughout

has been one of timing. It has not been an easy one to solve or settle upon.

I do not want to put words in the minister's mouth, but I think he would tell you he is prepared to consider this in the light of further input and in the light of the timing of passage of this bill. At this point it is beginning to look as though the bill may not be passed before December or January. We would have a bit of a problem in 1985. The minister may want to comment further on that.

Hon. Mr. Conway: I appreciate very much what the member for Don Mills (Mr. Timbrell) said the other night about not being unreasonable on these matters. The point we have tried to establish is the principle of separate school representation on public boards for secondary purposes. It is not very well understood. Mr. Kirkwood dealt with it. That representation is technically a representation of assessment, although most people think it is a matter of students.

It was to try to be very direct with that principle that we adopted the measure you see in that section of the bill. A number of people have pointed out the practical difficulties the timing creates. I am quite open to reasonable and practical solutions.

Mr. Chairman: I presume that is a possible solution that was phrased. I am getting nods, yes.

Mr. Davis: On this subject, the more you explain it the more confusing it gets. This needs to be corrected and clarified. I understand, as the minister has said, the separate school trustees' representation on the public school boards is based on assessment. I understand their role is to be responsible for and to look after the students in the public educational system who are from separate schools.

I heard Mr. Kirkwood say, and he can clarify it if I did not hear him correctly, that those trustees would no longer sit on the public school boards because there has been a transfer of assessment back to the separate schools. What happens if only 10 per cent of that assessment goes back? In other words, the parents decide, or the student decides to stay in the public educational system and not transfer to the separate school system in grade 11. Does that mean the separate school student then becomes the sole responsibility of the public school trustee?

Mr. Kirkwood: That student's parents would apply to have their taxes transferred back in order to be supporters of the public school system, if that is where they wished their family to go to school and that was the system they intended to

support throughout. Therefore, they would become public school supporters.

Mr. Davis: If I understand you correctly, the assumption is that, as soon as a coterminous board is established, anybody designated a separate school supporter who has a child in the secondary school educational system automatically becomes a supporter of the separate school system unless he applies for an exemption—

Mr. Kirkwood: An exemption from exemption.

Mr. Davis: —so he can remain in the public school system.

Mr. Allen: I suppose the question that follows logically from that is, where does the money come from to pay for the continuing Roman Catholic students? Does it come from the separate board transferring the money back?

Mr. Mitchell: Do you mean the children of Roman Catholic supporters who attend schools under the jurisdiction of the board of education?

Mr. Allen: Yes.

Mr. Mitchell: By payment of fee by the Roman Catholic school board.

Mr. Allen: So there is no loss of funds to the public board of education in that transfer, is this mechanism set in place at the point where even a partial plan is acceptable? We talked about partial plans this morning, where a partial plan has been approved by the implementation commission and by the minister and the bylaw is in place.

Mr. Mitchell: Yes.

Mr. Kirkwood: Once the bylaw is in place, the compliance is there and they qualify under the general legislative grant.

2:50 p.m.

Mr. Allen: Perhaps I can add my word to the minister to encourage him and the ministry to think in terms of some phasing-out mechanism. It does seem to me that nothing in life suddenly ends, bang, dying like that. Fiscal years and financial years do indeed end. Sometimes governments will fall and there are those short transitions. None the less, many things do continue. One of the things that does continue is the impact of past money in the system, for which one could argue there is still some kind of trusteeship necessary. I am sure the minister will find the casuistry to do this with when the time comes, but I would encourage him to look to some phasing-out mechanism a little bit less abrupt than this.

Hon. Mr. Conway: We are certainly doing that. I want to say to the committee I am very anxious to hear from the committee about practical solutions to this timing difficulty that are at one with good local democracy.

Mr. D. S. Cooke: The reality is that since they are going to be phased out, there is a large number of those trustees who have no intention of contesting those positions this fall. They are looking to other positions at the municipal level. There may be no one left to extend their trusteeship for six weeks.

Mr. Chairman: The committee can put its head to this then and come forward with some recommendations in the next number of days.

Hon. Mr. Conway: Happily received.

Mr. Chairman: May I interrupt the presentation just for a second to let members of the press know that the voluminous drafts we have received, numbers one through nine of the Progressive Conservative's old administration move towards this legislation and one and two of the Liberal administration's move towards this legislation, are going to be available in the press gallery lounge for photocopying if any of them wish to avail themselves of these documents.

Hon. Mr. Conway: I think they are there now. We had a limited supply. They are available now in the lounge for people who wish to copy them.

Mr. Chairman: We will come back to those drafts with regard to what the committee would like to do with them after we have dealt with this final draft that we see at this point.

Mr. Kirkwood: Section 136k deals with just the thing we have been talking about, the separate school rates and the estimates. It deals with the fact that the Roman Catholic school board will prepare estimates for both secondary and elementary panels.

Section 136l deals with the whole business of the designated lists, the transfer of teaching staffs and the role of the commission in facilitating that process. It requires that a public board, under the guidelines established by the planning and implementation commission, shall develop a designated list in each of the first 10 years of extension, identifying those people who have lost their position as a result of the transfer of pupils from the public board to the separate board.

The lists will take two forms. First, with regard to teaching staff, they will be listed in terms of qualification and taken in terms of qualification by the separate school board,

whereas other employees and supervisory officers are designated in a slightly different way relating to position and hiring in terms of substantially similar positions. Because teachers have qualifications that are easily identifiable and provided for by the ministry, it was believed that was an appropriate way to work at designating, so the appropriate people could be placed in the two systems.

Roman Catholic school boards would be required to hire from those lists before they would hire from outside. They would have to establish there was nobody on that list who was qualified to do that which was required in terms of the extension. My understanding from what the commission has done so far is that there has not been a problem.

Mr. Allen: I gather since there is no reference here to formulas that will govern this, this will appear in the regulations and it will probably be those used currently by the planning and implementation commission.

Mr. Kirkwood: It will not be the form of regulation but rather the guidelines the planning and implementation commission has developed. This is where that concept of solutions arrived at locally comes into play in this piece of legislation. Rather than providing for one specific way it would be done across the province, it provides for the planning and implementation commission to develop guidelines so that those local needs are looked after and decisions arrived at in a mutual way.

Therefore, the local sort of option is overseen by the commission where there is potentially any difficulty in coming to a conclusion, in this case trying to see that all the factors are balanced in the determination of the lists. Keeping in mind that these lists are developed annually as needs change on the sides of both public and separate boards, it is not necessarily the same individuals who might appear on them in any given year because of the demography of students in the two systems.

Mr. Davis: Will the committee or you put in the regulations some kind of date by which those particular lists of teaching and nonteaching staff are forwarded to the committee and then on to the separate school boards? In my understanding boards have different time frames in which they now declare teachers surplus to their system. You could find yourself in the position, if you have not already, of having the separate schools need X number of teachers and the local board may not yet have designated its surplus teachers

because of the time frame in which they declare that.

Mr. Kirkwood: If you have had a chance to look at some of the earlier drafts, you will have noticed at one point there was a date specified. In our discussions with a variety of groups, including the commission, it was felt it was better to have the commission, with the two coterminous boards, determine the most appropriate date for the designation of those teachers, rather than establish a provincial date which might be appropriate in some areas and not in others.

Mr. Davis: I have to talk about Metro because that is the only area I know. How do you deal with a larger area that declares its teaching staff, finally, by the September 30 enrolments, when you could be implementing coterminous boards across Metro as of September 1?

Mr. Kirkwood: The reason for leaving it open like that is there would have to be some tripartite or more extensive negotiations on the appropriate date for Metropolitan Toronto and the separate school boards.

Mr. Davis: Maybe it would be more appropriate to ask the implementation commission tomorrow. However, my question is, if there are coterminous boards—I believe they will be established September 1 in Metro Toronto—now in a position of identifying students moving across panels and hiring staff, but the local Metro boards have not yet declared their surplus teachers, how do you staff the separate school vacancies? This does not answer that question.

Mr. Kirkwood: No. The only point I am trying to make about this part of the legislation is that it leaves it open so the two boards and the commission can negotiate something appropriate for them, rather than putting something on the boards that is impossible.

Mr. Chairman: We will have to focus on this tomorrow.

Mr. Timbrell: There are two related issues. How would you propose to respond to the concern which has been expressed by some members of the House and some representatives of interested groups in a situation in which there are a certain number of positions or individuals designated but others may want to opt in, may want to volunteer to be transferees? Would you leave that to the individual coterminous boards to work out between them in association with the professional organizations, or would you propose to give some guidance in that respect?

3 p.m.

Mr. Kirkwood: We propose to leave it to the professional organizations and the two coterminous boards under the supervision of the planning and implementation commission. As I understand it, at least this year, that sort of arrangement has worked out reasonably well, but the commission could verify that.

Mr. Timbrell: A second point I raised in the House last week has to do with the elementary school teachers. It is conceivable to me that in some situations, if you had a large enough shift of enrolment, some elementary school teachers or support staff of elementary schools could be affected. The bill properly relates to the completion of the funding of the secondary separate school system. How would you propose to deal with any situation that may arise that has made redundant any elementary teaching or support positions?

Mr. Mitchell: The wording of the bill itself, in subsection 136(1), does not restrict it to secondary—

Mr. Timbrell: So the bill can cover both?

Mr. Mitchell: Under subsection 1, the designated list could contain the names of both secondary and elementary teachers if it is genuinely felt there are some elementary teachers who can be identified as being in this category, namely, those impacted directly by the implementation of this policy.

Mr. Timbrell: Has that been conveyed to the professional organizations or to others?

Mr. Mitchell: Yes, it has been discussed with various organizations.

Mr. Timbrell: I am pleased to hear it, but it is news to me.

Mr. Mitchell: There is potentially another side to the coin. Once one ends up with elementary teachers on the designated list, then the Roman Catholic school board, which is now going to be hiring for secondary purposes, may have some difficulty in matching the qualifications of a person on that list with the required qualifications for the job it wants to fill. There may be a little difficulty there, but there is no difficulty in the first instance of having teachers on the list.

Mr. Timbrell: How do you propose to deal with that difficulty?

Mr. Mitchell: We have discussed this fairly thoroughly with the planning and implementation commission, and the commission assures us that on the basis of its experience this year, and by virtue of its plans for following years, it feels

it can work out matches between the designated people, or if you like those whose jobs are rendered redundant by this policy on the one hand, and the positions the Roman Catholic school board will have open on the other.

The commission has stated this quite strongly to us. It feels, if everything goes as it wishes and plans, there may be very few, if any, teachers even ending up on this designated list in that it can make the matches so well. That being the case, our hope is that this problem may be quite minimal.

Mr. Timbrell: I will leave it for now, but I think we will need to come back to that.

Mr. Mitchell: In all fairness, it is a question you may want to raise with the commission directly.

Mr. Chairman: Absolutely.

Mr. D. S. Cooke: This question may also be more appropriately asked of the commission tomorrow, but how do you determine redundant teachers when there are two factors, normal declining enrolment and the shift in the student population? If there is a disagreement between the federation and the board as to what has caused a certain number of redundancies, how will that be resolved?

Mr. Mitchell: In some cases perhaps with difficulty. With respect, I do not think anyone has ever claimed that any of this business would ever be easy. Trying to differentiate between a teacher made redundant by general conditions on the one hand and a teacher whose job has been made redundant by virtue of this policy on the other may be very tricky. It could be quite difficult.

We are banking on the close co-operation of the teachers' federation affiliates, the school boards involved and the planning and implementation commission, as well as on the agreements they reach among themselves. We are banking on what is in the commission's guidelines for this whole process. As well, it will obviously be based in part on what is in the collective agreements of the boards in question.

Mr. D. S. Cooke: Is this one of the areas where mediation or arbitration can be brought in to settle the dispute?

Mr. Kirkwood: Yes. Section 136m deals with the staff dispute resolution in terms of being designated or failing to be designated. Mrs. Church, maybe you would like to fill in a bit on that.

Mrs. Church: There are two things, as I understand it. In determining what staff will no

longer be required by the public board, the commission has the board identify what it calls the enrolment shift, the loss of pupils, the pupils going from the public to the separate board, and then uses the staff ratio formula to determine how many teachers that represents. That loss will be seen as a result of extension, as opposed to any attrition that may take place, or what we speak of as declining enrolment in education, which occasions its own loss of jobs in the teaching staff and support staff.

With respect to the adjudication of these disputes, let us say a teacher feels he has not been placed and should have been placed on a designated list, in that he lost his job as a result of the separate school board extension. A grievance arbitration procedure would be established to sort that out as to whether his name should go on the designated list, which would mean he would be protected in his employment status. It is a normal grievance arbitration procedure in that each party appoints an arbitrator, or they can have it determined by a single arbitrator if that is their choice.

If there are difficulties, and the two of them agree to it, there is provision for the Education Relations Commission to step in and provide a third person to be the chairman and so forth; then the decision of the majority is the decision to the dispute.

Mr. D. S. Cooke: We could end up having significant disruptions in the school system for some time, because grievance arbitration can take some time. If there were a ruling in favour of the teacher or the federation, that would change all the scheduling in the schools and so forth when the teacher came back into the system.

Mrs. Church: That is true. As I understand it, the experience of the planning and implementation commission with the 39 boards it has recommended for approval has been that it has been able to work them out on an informal, negotiated basis between the boards, with the separate boards apparently being very co-operative in assuming responsibility for teachers who will no longer be required by the public boards.

Mr. D. S. Cooke: Is there a prohibition on separate boards hiring from their own elementary system before those designated lists are provided? I understand a number of separate boards in the province have been hiring from their own elementary level to fill vacancies at the secondary level.

Mr. Mitchell: Once the bill is in effect, it places an obligation on the Roman Catholic school board to hire first from the designated list.

Mr. D. S. Cooke: However, the bill is not in effect and it is not going to be in effect for September 1.

3:10 p.m.

Hon. Mr. Conway: The experience of the commission has been that to date all the Roman Catholic school boards have entered into an undertaking that they will accept all the designated teachers, at least for 1985-86. Perhaps you can ask Mr. William T. Newnham more specifically about that tomorrow, but the latest information I have is that the separate school boards have given an undertaking that for 1985-86 they are prepared to take all the teachers who would attach to the students transferring.

Mr. D. S. Cooke: There are three boards I have heard of I can talk about to the commission tomorrow.

Mr. Davis: On a point of clarification for future reference: I understood an official of the ministry to say in response to Mr. Timbrell's question that voluntary transfers across the two school jurisdictions will be left to the local, coterminous boards and federations to decide. If that is so, then it is possible to have two boards side by side, no matter where in the province, one of which begins the process by allowing volunteers to transfer and the other of which bases it on seniority.

Mr. Kirkwood: That is deemed the local decision as to how they were developing the lists and whether that was agreeable to the commission and the—

Mr. Davis: That is what I said. You said that would be available to local boards. If that is true, you could have a situation in jurisdiction A where part of the basis is that a person can volunteer to go across; while in jurisdiction B, which is right next door, you could have a person who would like to volunteer to go across, but because the negotiations have gone on that person cannot do so because the boards and the local federations have decided it will be based on those with most seniority staying and those with least seniority being bumped out.

Mr. Mitchell: As the bill stands, it will be in the interest of everyone to make sure that teachers or other staff transferring are transferred by the vehicle of the designated list, because it is the designated list to which are attached the protections for those people transferring. Unless the bill is changed, those who transfer outside the designated list should be aware of the fact that they will not enjoy the protections the bill would otherwise afford them.

Mr. Kirkwood: In addition, people who wanted to go voluntarily would probably volunteer to go on the designated list and therefore have the protections of being on that list when they went to a separate board.

Mr. Davis: I understand that, but in effect this bill has left that up to the local jurisdiction. It is only hypothetical, I agree, but if a local jurisdiction, in consultation, decided the process for a teacher to arrive on that list was not through volunteering but only on the basis of seniority, then a person who wanted to volunteer would be restricted from doing so; however, that is okay as long as that is a local agreement.

Mr. Kirkwood: That is right.

Hon. Mr. Conway: There is something I want to add here, Mr. Davis. The guidelines are very important, and those guidelines are going to be mutually agreed to. That is something we have to reiterate. I hope there will be some creative local solutions.

You have suggested that for whatever local reason those transfers are going to be governed by guidelines that involve the participation of the planning and implementation commission, the federations and others with an interest in the question. I think it is important that people understand the guidelines will involve that kind of participation and must be mutually acceptable.

The indication for this fall has been that a lot of creative work has gone into ensuring that no one who is on the public panel has been displaced. At least the separate boards have given an undertaking that they are prepared to accept all the teachers and other employees who belong to the students transferring from the public panel to the separate panel.

Mr. Davis: In response to the minister, let me say that if we are concerned about the protection of public school teachers, which I agree we all are, we must extend the same kind of concern to Catholic teachers who are in the public school system. You talked about some kind of resolution based on consensus, but you know and I know there are times when a consensus is made by a small group of people and the concerns of people are not always addressed in bringing about a resolution of an issue.

I think we need to be aware of the fact that the way the ministry officials described it and the way you are perceiving it—I am not saying it is happening, but it is possible—you could have a Roman Catholic teacher within the public education system in a specific jurisdiction where the way to get on that list is not through volunteering but through a process based on seniority;

therefore, that person would have a certain right taken away from him. That is all we need to know when we go around the province, so that information can be expressed.

Hon. Mr. Conway: Offsetting that, there has to be the understanding that certain rules have to apply.

Mr. Davis: That is right, but they are not in here.

Hon. Mr. Conway: No. What we are saying here is that we hope the guidelines will take into account all those factors. We do not want to be too rigid and too centralizing. Otherwise, we are not going to be able to have the flexibility we are going to require, recognizing that Thunder Bay may have the capacity to work one solution that is perhaps not of any interest to Ottawa-Carleton.

Mr. Chairman: Mr. Davis, you have put your finger on an issue, but it is one we should talk about in some detail with the representatives tomorrow. If we feel it needs further addressing in the bill, that is the time to do it. If we learn it is not a significant difficulty as far as they are concerned, and they can give us a pretty good profile on how those decisions are being made now, then committee members will be satisfied.

It is important that we are noting these. I hope people raising them now will jot down their questions for tomorrow.

Mr. Mitchell: At the risk of prolonging it, Mrs. Church has one further comment to make which might be useful.

Mrs. Church: To confirm what Mr. Mitchell said, there is provision in the legislation for the commission to issue guidelines upon which the public board will base its designations. The commission is sympathetic to having those people who wish to come over, who volunteer as you put it, to the separate board system to enable them to do so and enjoy the protections of the legislation. This is something they are aware of and are taking into account as they are negotiating with boards, and it will form part of the development of the guidelines for future implementation plans.

Mr. Kirkwood: Coming back to section 1361, I would like to draw your attention to subsection 8 on page 7 of the printed version of the bill. It provides that if a person on the designated list does not receive an offer of employment, then he remains in the employment of the board of education until such time as he is either absorbed into the system or gets an offer if he is on the list another year. The Ministry of Education is picking up the cost of those additional teachers

who remain on the list. However, subsection 9 provides for the fact that if an individual is offered a job by a coterminous Roman Catholic school board, he no longer has the protection of being on the designated list.

There is a second list provided for, in subsections 6 and 7, but there are no protections attached to it. That is a list, which is to be transmitted to the commission, of people who were not offered jobs and did not refuse them and did not get placed. That is simply an information type of list that the commission would circulate to all boards in the province to assist persons finding jobs if none were available locally and they were prepared to move.

Mr. Allen: I missed your designation of the section that covers the assumption by the government of the costs of those who remain on the public designated list but who are not taken up in the hiring on the public board.

Mr. Kirkwood: It is subsection 1361(8), which keeps the teachers or the persons on the list and in the employ of the public board. There was a memo attached to the general legislative grant this spring that indicated the ministry would be picking up the costs of those teachers.

Hon. Mr. Conway: The assumption here, and the experience of this first year would confirm this, is that, broadly speaking, the teachers and other staff should follow the students in large measure.

3:20 p.m.

Mr. Davis: I have two questions related to that. I am glad the ministry clarified who was picking up the costs of a particular teacher who may be in that pool, but when that teacher is in the pool and there is no position for him at the moment, what does he do? Does he stay at home? Does he go into a school jurisdiction as a supply teacher? What happens?

Mr. Kirkwood: He remains in the employ of the board of education that designates him.

Mr. Davis: Your problem is that he has already been declared surplus to that board and you have contracts or agreements. I do not know if the teachers' federations have any concern, but here is a person who is designated as surplus to the system. At present, teachers who are surplus to the system in some jurisdictions—not all—go into a surplus pool. If there is an opening, they are transferred to different school boards that are in that plan. If they are not, they can be used for supply teaching, which creates problems for people who are supply teachers.

If we are going to have this situation arise, we should have some kind of direction as to where that individual goes. I have deep concerns, unless we get agreement with the federations to put him back into the classroom, because you really are breaching agreements. The negotiated agreements that are reached negotiate the number of teachers in a classroom. I guess we would all be happy to just put him into the classroom, but then the next year you may pull him out of that classroom.

That question has to be seriously addressed, as well as the other question that comes from that. Subsection 9 talks about a teacher being offered a position for employment, or it could even involve another employee, in the Roman Catholic system. Let us assume for a moment the person lives in Ottawa and he or she cannot be placed there at that time but is offered a job in, let us say, Windsor. Does that then mean because the job has been offered they no longer are protected or does that apply only for their own geographic area?

Mr. Kirkwood: The arrangement applies only in terms of coterminous boards. If they refuse an offer from a coterminous board, then they are off the list. If a teacher was on the provincial list that was circulated from Ottawa to Windsor and the Windsor separate board offered that person a job and he refused it because he did not want to move, he would still remain on the designated list.

Mr. Davis: He would still have his protection?

Mr. Kirkwood: That is right.

Hon. Mr. Conway: We are talking about relationships as between coterminous boards. What we are expecting, of course, and what the early evidence confirms, is that by and large teachers and related staff move with the students, and the students are moving within that coterminous situation, from board A to board B.

The point you addressed earlier, Mr. Davis, is one that we have discussed at considerable length. Let me reiterate. On the basis of our best evidence we expect that pool to be very minimal, based on the reality that the teachers and staff, presumably—and based on the early evidence—move with the students.

To the extent there are those surplus teachers, creative arrangements can and will be struck. I would expect, for example, that the Scarborough Board of Education would, together with teacher federations and the Ministry of Education, develop a creative use of those resources. I do not think it is beyond our capacity to do that, but I reiterate that the teachers and the related staff

presumably will follow, according to early indications, those students who are transferring between coterminous boards.

Mr. Chairman: A good point was raised on the matter. Any other questions?

Mr. Allen: Just so I am perfectly clear about that, the teacher who finds himself on a designated list and is not employed by the coterminous separate board remains on the list and then goes on to the provincial list; if he is hired by yet another separate board, he is not provided the protections that are designated for designated teachers in the act. That is right? Okay.

Mr. Chairman: He would be crazy to do it. It seems kind of bizarre.

Mr. Kirkwood: That is right.

Hon. Mr. Conway: Remember, the reason for that individual's designation is that students within his or her environment have changed from one board to another. Presumably his or her designation in Ottawa has in no way been affected by activity in Windsor.

Mr. Chairman: The only thing that concerned me on this is the person who cannot get hired in the coterminous area and then is put on this provincial list who then might be excluded or dropped because he does not take a job in Windsor or someplace else. It is not provided for here but it would seem to be wise to make it permissive, that where the Windsor board needs to hire people and there are no other people there but there are people from other designated lists who are willing to go, they have the same protection as they would have if they stayed in their coterminous area. It would seem to be a good idea to have a permissive section on that in there.

Mr. D. S. Cooke: What is the purpose of having a province-wide list, because any teacher who moved from one jurisdiction to another would be nuts to accept a job.

Mr. Allen: Just as a supplementary, I was going to make that point. We are not just dealing with a series of discrete local happenings in this bill. I appreciate the minister's point and I appreciate all of the concern about local versatility, innovation and making that possible, but at the same time it is a provincial decision and something that will be happening province-wide. I think we would want to make the protections in the bill as province-wide as we possibly could.

Mr. Chairman: I gather you are open to—

Hon. Mr. Conway: I am listening very carefully.

Mr. Chairman: We are going to hear some more creative thought from Mr. Timbrell.

Mr. Timbrell: It is also coming directly to an issue which concerns me and for which I do not have an answer at this point. It is an issue to which I hope a number of the groups who will appear here will address themselves. That is the concern I have about ending up with two classes of teachers working in the separate school system: teachers who will transfer from the public system to the Roman Catholic separate school system and will be afforded certain protections under subsections 136k(19) and (20), which protections will not apply to existing staff, be they Roman Catholic or of other faiths, or to other new staff who would be hired from the general body of teachers looking for employment. That really does concern me.

This other issue, putting on my hat as critic for women's issues for our party, is that you have a potential of family situations if the male spouse is transferred and the female spouse, as a teacher designated with one board, has a chance to work for a Roman Catholic board in the area to which her spouse is being transferred but will not be afforded those protections. It is not an easy one by any means and I hope the groups representing the teaching profession, both public and Roman Catholic, and those representing the boards, will speak to that.

Hon. Mr. Conway: I have one comment on the first point—

Mr. Chairman: I would prefer—because it is on the section we have not as yet covered—if we could deal with that as we get to it. While it is connected, we will probably have to talk to it as we get there. The next subsection is one that I am worried about in terms of its wording, besides anything else, before we get to 19. We can come back to that at that point, because you put your finger on a major concern of a lot of groups.

Mr. Kirkwood: All right. Subsection 136l(10) deals with the salary right of employees going over to a Roman Catholic school board. The intent of the section is that the individual's salary is red-circled at the level at which that individual would have had salary had he remained in the employ of the board of education that year. In other words, for the first year their salary is protected. The intent of this section, and it may need a little bit of rewording, is it would be red-circled until such time as that individual's colleagues in the Roman Catholic school board caught up with him, presuming they were behind. I am given to understand that in many

coterminous boards the salary scales are reasonably equitable.

3:30 p.m.

Mr. Chairman: It is the wording that concerns me a great deal. I have real trouble with the language. Where you have placed "in the first year" is a little awkward. It makes it look as though for one year they are protected and after that they are not. I would suggest we need some tightening up of wording there.

Mr. Davis: I have the same concern and I think it would be appropriate if this committee received some information that would give us an idea of the salary ranges that are being paid. I have a good idea what they are within large urban boards, but a teacher could move and there could be a substantial gap and he would be red-circled. I would assume he would still receive the increases per year that the separate school teachers may receive in their contracts but that still would be substantially less than he would receive if he had stayed within the public education system. I am not sure what they are saying.

His first-year salary is protected, but my understanding is that his second-year salary is red-circled. If he is making \$3,000 more than the separate school teacher, he stays there until his colleagues catch him. Meanwhile, his public school colleagues at the secondary level are still going ahead. We need to look at that because that person is being penalized.

Mr. Chairman: But in some regard that is the difficulty with transition with different bargaining units for the different boards. I wonder if it is possible, just for the information of committee, either through Mr. Newnham or through the ministry, to get some idea of what the rates are in a number of coterminous boards around the province, giving us a sample of small and large urban areas. We might look to see for how long somebody would be penalized, because it might be that we would want to make some adjustments for cost of living or something.

Hon. Mr. Conway: We can undertake to provide that information.

Mr. Chairman: Any other comments on subsection 10?

Mr. Kirkwood: Subsection 11 deals with the protection of the seniority and the contract status of the individuals, either permanent or probationary. That is carried over with them.

Mr. Allen: What happens to that seniority once it is transferred over?

Mr. Kirkwood: The individual maintains it and presumably for every year he is in the Roman Catholic school board he would continue to—

Mr. Allen: That seniority continues to accrue. It is not like the red-circling, where it is levelled off while everybody else catches up to you.

Mr. Kirkwood: No.

Mr. Davis: In the probationary status, is the separate school probationary general contract the same as is in the public school?

Mr. Kirkwood: The standard teachers' contract.

Mr. Davis: Okay.

Mr. Kirkwood: Subsections 12 through 15 provide for a transfer of sick leave credits. The intent here is to not penalize an individual who is working for a board of education and, for the sake of argument, has accumulated the maximum allowable under that board, which might be 300 days, and moves over to the coterminous Roman Catholic school board where the maximum allowable would be 200 days. In the ordinary course of events, that individual, if he was going voluntarily, would simply lose that extra 100 days. This portion of the bill provides for the banking of those days and the ability to draw on them if the teacher chooses to in order to maintain the number of sick leave credits he has, and he is not unduly penalized if there were a lengthy illness.

Subsection 16 is a provision that is related to something that is already in the Education Act with regard to sick leave or retirement gratuities based on the accumulated sick leave of the individual. At present in the act, it is capped at a half year's salary at the rate of earnings of the final year of working. You would get that if you had accumulated 200 days of sick leave. Again, this provision is written in such a way that the individual would not be penalized. If he had accumulated only so much within the separate board, he could make up the difference with what was banked back with the board of education.

There is an exception to that, and that is where there has been a previous agreement between the individuals or the groups involved as to the disposition of this.

Subsection 19 deals with the protection against discrimination. That applies to those individuals who have moved over from the board of education to the Roman Catholic school board by virtue of being on the designated list.

Mr. Chairman: Could we go back for a second and then return to that? Do I understand that under subsection 17, if we go back to this

person who has volunteered to move outside of his coterminous area to take employment, he is also going to lose his accrued sick benefits?

Mr. Kirkwood: No. The only thing that means is simply that they do not have the protection they would have if they were on the designated list and moved over to a coterminous board.

Mr. Chairman: That is what I am saying. A separate board in hiring that person would not have to guarantee that either, which is another deterrent.

Mr. Mitchell: There already is a provision in the Education Act for the transfer of these credits when one goes from one board to another. All this does really is protect those excess credits where there is a difference in the maximum of the credits from one board plan to another. What it does, essentially, is protect that excess amount and that is all. Aside from that, when a teacher transfers from board A to board B, there already is a legislative provision that enables the transfer of credits anyway.

Mr. Chairman: As I understand what you are saying, under the present act one can transfer from a public to a separate board and have that protection, or one can transfer between public boards.

Mr. Mitchell: Perhaps Mr. Copeland would like to comment on that.

Mr. Copeland: There is complete flexibility and portability here, restricted only by the maximum amount of credits provided for in the plan of the board to which the employee transfers. Many of the boards have the same upper limit, whether it be 200, 300 days or whatever. They are not all exactly the same, so that if a separate board had a capability of only 200 days' maximum accumulation and the board of education had 300 maximum, under section 158 of the act, in the case of a voluntary transfer, the employee would lose 100 days, whereas this provides for the banking of the 100 days.

There is also a difference in relation to the gratuity. Not all boards have a plan that pays the maximum of half a year's wages on retirement. Some boards will have a maximum dollar amount, like \$12,000, \$15,000 or something of that order. Again, a voluntary transferee on retirement would get only the maximum for his own board, whereas this provides for a maximum payout of a half year or whatever was the plan for the board of education.

Mr. Chairman: If one is on the designated list, again. The same point does apply, though,

that if we want to get these people hired, if there is any surplus, then it only makes sense to not establish a deterrent for them to move. I think I saw Mr. Allen's hand up on the matter that Mr. Timbrell had raised. Is this number 19?

Mr. Allen: Number 19. I wonder if you would amplify what your understanding is of the phrase "on the basis of creed"? How far does that extend into not only the essentials of catholicity but the accidents of catholicity and the lifestyle questions? What is your legal reading as to the meaning of "creed"? How far could it extend?

Second, who determines, for the purposes of this act, what is a matter of creed and what is not in its application?

3:40 p.m.

Mr. Mitchell: We have had some discussion on this matter with the Ministry of the Attorney General. Perhaps Mr. Copeland would like to say a few words to reflect their advice.

Mr. Copeland: The choice obviously was between the words "creed" and "religion," or perhaps using both. I believe that, substantially, the choice of "creed" was as much like the toss of a coin as anything else. I do not believe there has been much case law developed as to the difference between the two words. As to the extent, one would think sensitive issues such as abortion and pro-life would probably be treated as a matter of creed, but I do not know there is any case law that establishes this as the case.

Since this refers to discrimination, I think the ultimate decision would probably lie with the Ontario Human Rights Commission in areas of that kind, at least in the initial stage.

Mr. Allen: Did the ministry consider using the word "lifestyle" in that clause, alongside "creed"; and if so, why was it rejected?

Mr. Copeland: It was considered. The most I can say is that in the long run the decision was to go along with the concept of the June 12, 1984, statement, which admittedly did not explore or delve into matters with that degree of particularity. I think the ultimate decision, at least as far as section 19 was concerned, was to restrict it to discrimination on the basis of creed and to leave it at that for the time being. I dare say there will be representations made to the committee in this area.

I do not think there is any doubt the original concept was simply to prohibit refusal of employment based strictly on whether a person was or was not a Roman Catholic. Probably section 19 is aimed specifically at that.

Mr. Allen: With respect to employment, I presume that means not just simply the act of hiring but also the conditions of employment thereafter.

Mr. Copeland: Yes.

Mr. Timbrell: I want to pursue that with the minister and ask him to indicate to this committee his understanding of the effect of sections 19 and 20 and the use of the word "creed." Perhaps he could give us some examples of the types of discriminatory hiring and/or advancement practices against which these sections would protect the designees.

Hon. Mr. Conway: Certainly my understanding of section 19 is that "creed" would bring with it a wider, as opposed to more narrow, interpretation. In fact, I had some discussions with the staff in that connection.

It might be interesting to talk to the commission tomorrow as well about some of the discussions they have had concerning the first-year arrangements. My understanding—and you might want to correct me if I am wrong—is that in the discussions for the first year, the application for teachers moving from the public to the separate panel was essentially section 245 of the Education Act. Those were the conditions under which teachers were to be judged in their performance of teaching duties in the separate panel.

It is my view that subsection 136l(19) is to have a broad, as opposed to a narrow, interpretation. I expect the provisions of subsection 20 would be that people transferring would be eligible—that is people from the public school panel moving over to the separate school panel—would be, as subsection 20 indicates, eligible for advancement within the separate secondary panel.

Mr. Timbrell: I will be interested to pursue it with the commission tomorrow. With all respect, this is a fairly critical subject. It is important for us to know your position as minister and the position of the government.

I can give a couple of examples and ask you whether they fit the broad definition, or rather the liberal definition, of the word "creed." What happens if a designated teacher admits to having had an abortion or if a designated teacher admits to living common law? These are just two examples of matters of lifestyle which are not uncommon in the latter part of the 20th century. Do they fit creed? Are these teachers protected against discriminatory hiring or advancement policies?

Mr. Chairman: I will allow you to reply conservatively.

Hon. Mr. Conway: You are pointing out certain anomalies that may develop within what is a transitional period, and that was the point I was going to make earlier. We must remember this is in the context of a transition. In a situation of transition, there probably will be some variation, certainly within the separate panel.

My general reaction would be that I would expect the provisions of section 245 of the Education Act would govern the conduct of designated teachers moving over from the public to the separate panel under the provisions of this legislation. It is going to take a fair measure of sensitivity from the separate school boards. I might add on the basis of what I have seen that sensitivity is there. I expect it will continue to be there on the basis that we do not want to see public school teachers or staff disadvantaged or discriminated against.

Mr. Chairman: For those of us who are not acquainted with the intricacies of the Education Act—I know many among us are—what is section 245? Is that the famous section about leading the clean life and all the reasons I could not be a teacher?

Mr. Mitchell: I would be glad to confirm—

Mr. Timbrell: Some of us had to memorize it at teachers' college.

Mr. Chairman: Could you remind us of it?

Mr. Timbrell: Some of us promptly forgot it.

Mr. Mitchell: It is section 235 of the act. The minister was certainly close. That is the section on the duties of the teacher as spelled out in the act.

Mr. Timbrell: I am sorry, I do not think I got an answer to my question.

Mr. Chairman: The question was how that relates to creed.

Mr. Mitchell: I believe this is what the minister is referring to. Clause 235(1)(c) says:

"It is the duty of a teacher and a temporary teacher to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues."

3:50 p.m.

Hon. Mr. Conway: That is there now and it governs the conduct of my friend the member for Don Mills (Mr. Timbrell) or my friend the member for Hamilton West (Mr. Allen) to the

extent that they wish to teach in the public school system. That is the kind of principle I would expect to apply to those teachers moving over to the separate panel on the basis of designation.

Mr. Timbrell: Let me come back to my question, because it has not been answered. The two examples I gave, and it is not hard to think of a number of others, were examples of conduct that is contrary to the precepts of the Roman Catholic faith. Are designated teachers hired by separate school boards going to find themselves in a difficult position with their employers if they fall into either of those examples or others like them, where their conduct in their personal lives is offensive to the basics of the Roman Catholic faith, which is at the base of the separate school system?

Hon. Mr. Conway: It is hard for me to expand beyond the initial answer. I expect teachers who are going to enjoy the protection of designation while they operate within the separate panel to be treated, broadly speaking, under the provisions of the Education Act. I think I said section 245; it is section 235.

This may be a subject to which we will want to give some further consideration after representations. However, I quite sincerely point to what has already been accepted by the separate panels. I will not add anything other than to say it is my expectation that teachers moving over ought to be governed by those considerations as long as they are in the separate panel for purposes of completion.

Mr. Chairman: I think Mr. Allen raised this, just using other words than yours, Mr. Timbrell. Is this creed or is this lifestyle? Section 235 is much more lifestyle, but lifestyle can be interpreted in many different ways, especially that section. We are going to need further clarification as to just what it means in legal terms.

Mr. Timbrell: With all due respect, your answer has not really cleared up much. If anything, it has made the issue even more unclear.

Hon. Mr. Conway: Perhaps I might turn it back on you. If you have any particular advice as to how this might be dealt with—

Mr. Timbrell: If you do not have an answer, do not start to—

Hon. Mr. Conway: It is a very sensitive subject.

Mr. Timbrell: It is a very sensitive subject.

Hon. Mr. Conway: What I am telling you is that our legislation affords a protection, and I want to be clear and strong about that.

Mr. Timbrell: Mr. Chairman, I thought I had the floor. It is a subject about which a number of people have expressed concern. Many more will express concern in making presentations to the committee.

As I said at the outset when I expressed my concern about some of the potential for two classes, I do not have an easy answer for it. However, finding an answer perhaps would be a little easier if we had a clear indication of what you understand that to be. If what we heard today is as clear as you can be, that is fine; we will all have to work that much harder to try to find one.

Mr. Chairman: I know Mr. Cooke is on the list, but Mr. Mitchell had his hand up as well. Would it assist the matter if we had definitions in this section? We have a few short ones after the preamble. Would it be helpful if we had some definition of what we mean by "creed"?

Mr. Mitchell: I am not sure I can answer that right off the top of my head. I might have to conduct some legal consultations on that. It is possible, I suppose, but I am really not sure at the moment. Mr. Copeland may want to comment on that; I am not sure.

If I may make one other comment, in all fairness to the minister we have distinctly led him to believe that the word "creed" would be subject to the broader definition. If, in fact, it turns out we are wrong in any respect, that is not his fault, it is ours.

Hon. Mr. Conway: I would like to add one final point on section 235 of the Education Act. My understanding—and I will confirm this with the planning and implementation committee—is that it is that provision that has been applied this year and has been agreed to by all Roman Catholic school boards.

I suppose, Mr. Timbrell, the question remains in my own mind, what does that do for the situations you have raised? I would obviously have to reflect upon that and take some advice. However, I think it is important to understand, for purposes of this year, that the planning and implementation commission applied and separate boards agreed to the provision which Mr. Mitchell just cited from the Education Act.

It essentially says that the rules of conduct by which transferring public school teachers will be judged in the separate panel are essentially those by which they would have been or could have been judged in the public panel. I do not think on the face of it that that is an unreasonable situation. It may not be complete; it may have to be refined. I just offer that on the basis of perhaps some earlier lack of clarity on my part.

Mr. D. S. Cooke: I was hoping we might get something clear, maybe not from the minister, who is not a lawyer, but from one of the people who are making presentations to us today. We have had cases across this province in the separate school system, a couple of them in my own area, that proved that this area is very important. I am not sure that in the first year an agreement by a board is sufficient protection. I think we, as legislators, want to make sure the law provides the protection, not just the goodwill of the boards that are there now.

As I understand this legislation, these sections are going to be in effect for 10 years or for a number of years. I do not think we would want to see cases such as the couple that occurred in Essex county with teachers having to go through the courts and so forth. To the best of our ability, we have to provide protection to avoid that anxiety to the system as well as to the individuals. I hope we can get a clearer definition today of what lawyers assume this section to mean.

Mr. Chairman: Do you feel you can assist us further than you already have?

Mr. Copeland: The matters referred to relate to Roman Catholic separate school boards and their constitutional rights to terminate contracts of employment for denominational cause. Ostensibly, the cases relate to marrying outside the rules of the church. In part, the substance of subsection 21 is aimed at that issue on the basis of the fact that at least a part of the authority of the separate board in those instances, for elementary education at any rate, is based on the Human Rights Code protection for carrying on business where religion is a basis for the educational system.

The perception with this bill is that we are dealing with secondary education as distinct from elementary education; therefore, we feel confident that we can override the Human Rights Code provision, as we have done in subsection 21. Then, at least during employment, termination for denominational cause would not be an appropriate right of the Roman Catholic separate school board that has gone into secondary education.

4 p.m.

The original line of questioning has been not so much against the activity of a board after employment has been entered into, but presumably the rejection of the individual on the designated list in the beginning, because presumably of some lifestyle situation of the person on the designated list.

As the minister has indicated, the plans of the coterminous boards so far reveal that the separate school boards have made no such demand vis-à-vis the potential transferees from the boards of education, and the assumption will be that they will continue to do that over the 10-year period. I would suspect, though, if that cause célèbre came up to the point where the activities of the employee became disruptive of the purpose of the employment, it would be quite within the normal rights of the employing board to take action against the employee for that purpose. Presumably that would be something other than on the basis of creed; it would be on the basis of employee performance while on the job.

One would need to be careful in a definition added to the bill which would tie the hands of the employing board in dealing with a situation that, in the opinion of the trustees, might well be getting out of hand for classroom purposes. This is the only thing that would be a drawback to putting in a specific definition. There could well be counterbalancing reasons for a definition, depending on the intent of the remedial activity in subsection 19, for example.

Mr. D. S. Cooke: If an individual who had been on the designated list and is in the employment of the separate school board applies to be a department head, a vice-principal or a principal and is rejected because he or she is living common law, was married in a judge's office, or whatever the reason is, are you saying this section would prohibit that kind of discrimination?

Mr. Copeland: Subsection 20 would do so.

Mr. D. S. Cooke: The wording you have is "creed."

Mr. Copeland: In respect of advancement in employment, if all that there was against moving the person up to be principal or supervisory officer was his religion or whatever is meant by "creed," to the fullest extent of that word, then I think subsection 20 would protect against—

Mr. D. S. Cooke: I am not worried about the religion; I am worried about lifestyle.

Mr. Copeland: As I say, it would have to depend on how far the word "creed" extends to cover lifestyle.

Mr. D. S. Cooke: That is what I am asking you.

Mr. Copeland: If it does, and I honestly believe it does—at least that is certainly the reason the word is there anyway in that form—

Hon. Mr. Conway: I had some discussion with the Attorney General's office, and they

indicated to me that it is their understanding that creed, in this context, has a wide application to include lifestyle.

Mr. Chairman: When you talked to the Attorney General's office, did they give written legal opinions on what they assume that section means?

Hon. Mr. Conway: I simply discussed it. I do not have a written opinion, but perhaps that is something we should consider.

Mr. Timbrell: Can I pursue that? Using the example that counsel has given, I take it from what you are saying that the protection would be there, in this example, if it became known in whatever fashion that the person was living common law; but that following section 235, if the person made a habit of promoting what he or she perceived to be the merits of common law relationships to the students, the board would have cause to say: "Look, we are not at all sure that is appropriate. Either we are going to take action to release you or submit it as being the grounds not to advance." Is that the distinction you are drawing?

Mr. Copeland: Yes, carried to extremes, I think so.

Mr. Chairman: Are you not carrying that to extremes? To pursue hypotheticals on the question of abortion, for instance: a teacher who was active at a pro-choice rally and his students knew that.

Mr. Copeland: I would hazard a guess that if it were restricted solely to the normal participation in a rally—as all teachers probably are prone to do from time to time—no board of trustees would be all that perturbed about it. However, we have seen examples where there is probably more than the normal participation in a rally, where it gets to a situation where it almost approaches martyrdom. That was more what I had in mind when I said "at the extreme level."

Mr. Chairman: I guess I am having difficulty understanding where things are cutting off here as well. I am sorry; Mr. Smith has been trying to get the floor for a while and I have not been as attentive as I should have been.

Mr. D. W. Smith: Could we find out the criteria of hiring practices of the separate school boards in the past? Do they make it mandatory that if someone said he was living common law, he would not be hired? What have been their past practices? It seems to me we are worrying about something that perhaps we do not have to worry about here. I am not saying that is right, but it could be.

Hon. Mr. Conway: Frank Clifford, whom you saw this morning, is at the back of the room. Mr. Clifford has background in separate education. I know he has been helpful to me in some of these matters. Perhaps Mr. Clifford might come forward and help the committee through some of these questions.

Mr. Clifford: I have been listening to the debate. I am trying to think of how to say it in one sentence or less to help you. Obviously I cannot come up with one sentence or less.

Hon. Mr. Conway: Try two.

Mr. Clifford: With two perhaps I can put it on the table for you.

Anything that has happened in separate school systems which could be called a denominational issue on termination of employment or which could have some effect on employment because of a denominational issue has had constitutional protection for only Catholic teachers. If there were non-Catholic teachers in that school system, there is neither constitutional protection nor case law precedent whereby you could bring what could be called discriminatory action against those non-Catholics.

The other bottom line I was thinking of was what you said before. The bottom-line rules and values you would ask a non-Catholic teacher to live by and work by in the public school system would be those that the people on the designated list coming over would be asked to live by.

Mr. D. S. Cooke: What about a Catholic teacher who is in the public school and is a designated teacher?

Mr. Clifford: That Catholic teacher has all the protections the designated list brings. It could bring the anomaly of working next door to another Catholic teacher who does not have the same system.

Mr. D. S. Cooke: In other words, he has the same protections as a non-Catholic on the designated list.

Hon. Mr. Conway: The protection is attached to the designation.

Mr. Chairman: Another good reason for not transferring out of your coterminous area.

Mr. Allen: It is important to note, though, that the protection goes beyond your designation, as I hear you; namely, there is in fact a legal obligation upon a board that hires a non-Catholic not to force him to exist as a Catholic in the Catholic system.

4:10 p.m.

Mr. Clifford: That is right. The precedent that was brought up in the Essex case, for example—someone mentioned the Essex case, and I am not sure it is pertinent to your discussion—means we are talking only about certified people; these rights and protections do not go to noncertified staff in any case.

Mr. Davis: If I understand you correctly, you could have a non-Catholic teacher who lives common law on the list and therefore hired by the separate school board and not subject to the same discipline code as the Catholic teacher in that school system. Conversely, you could have a Catholic teacher who has been teaching in the public system and is living common law, who appears on the list and therefore would have the same protection as in the public school system.

Mr. Clifford: According to that bill, yes.

Mr. Chairman: I just want to be clear about this question of certified staff.

Mr. Clifford: For example, for a secretary or a custodial maintenance worker, the constitutional rights to discriminate for employment because of lifestyle and so on do not apply; they apply only to certified teachers.

Mr. Chairman: So are you saying they are already protected?

Mr. Clifford: Yes. There was a Saskatoon case in which a secretary was dismissed and brought back after legal proceedings.

Mr. Chairman: Thank you; that was very helpful.

Mr. Timbrell: Given that we have just finished the first eight of 20 pages of the bill, Mr. Chairman, I want to determine at what time you thought we might adjourn today. If, as seems likely, we will not get through the bill today, will we start again at 10 o'clock tomorrow?

Mr. Chairman: Yes. I had presumed that on this first day we would sit until five and then come back at 10 a.m. tomorrow, unless the committee would like to sit through until we finish this tonight so we can be right on time for the funding debate tomorrow morning. I am in your hands. What is the opinion of members? I see a consensus on five; so that is what we will do.

We will continue now, unless there are other items on subsections 19, 20 and 21, the Ontario Human Rights Commission. Are there none? Let us move on.

Mr. Kirkwood: Unless there are some questions on section 136m, which deals with staff dispute resolution and the difficulty someone on

the designated list might have vis-à-vis designation or the lack of it and the problems that flow from that, I think we have dealt with it adequately. I think Mrs. Church and Mr. Copeland addressed that earlier.

That would take us to section 136n, to which I alluded somewhat earlier in relation to grandfathering any pupil who is already in the public secondary system, allowing that individual to stay in it even though his or her parent's taxes had shifted over to the Roman Catholic school board and simply having the fee paid to the public board through the end of his secondary education.

Section 136o is the access question. I would like to ask Anu Church to give a little bit of background on access to schools as it stands and then carry it forward into this provision of the bill.

Mrs. Church: Because this bill provides what is actually an additional entitlement, it is important to understand the access provisions already in the Education Act. These are essentially found in section 32 for elementary pupils and section 39 for secondary pupils. Basically, they provide that when a student resides with his parent or guardian, he is entitled to go to the school board in that area. Where the taxes of a person go to support a board, it has to provide accommodation for the pupil.

At the elementary level, a Catholic parent has a choice between supporting the public system or directing his taxes to the separate school board, in which case the one in his area has to provide accommodation.

In addition to this basic right to attend, there are two other important provisions that enable a child to attend a school operated by a board other than the one required to provide for him.

At the elementary level, the consideration is distance. If he is more than 3.8 kilometres and transportation is more than 0.8 kilometres away and there is a closer school, notwithstanding that it is operated by another school board, the elementary pupil can go there and his home board, which is receiving his tax support, will pay fees to the other board.

At the secondary level, a person can also attend a school that is not receiving his tax support for certain reasons. One of the most used ones would be for program considerations; for example, if the person can get a program there, perhaps in French-language instruction, that is not available with his home board or that is more accessible. Again, the school board that is receiving his tax support will pay fees to the board that is actually educating the pupil.

In both these situations, the receiving board will take him only where it has accommodation, so the pupil's right to go is dependent upon the certificate of the supervisory officer that there is space in the school he wants to attend.

Mr. Timbrell: That is within another board.

Mrs. Church: That is right.

Mr. Timbrell: Not within his own.

Mrs. Church: No. That is an important distinction. Where his taxes go and where the pupil resides, the board has to find room for him.

Hon. Mr. Conway: Can I put this in context? I want to be sure we all understand. Under the current situation, and we will talk now just for elementary purposes, I am a separate school supporter in the city of Pembroke. My kids, should they exist—

Mr. Chairman: And you are not telling.

Hon. Mr. Conway: And I am telling.

I am a separate school supporter. My kids have an automatic entitlement and must be provided for in the school that is operated by the Renfrew County Roman Catholic Separate School Board.

Mrs. Church: Yes, if they are receiving your tax support.

Hon. Mr. Conway: That is correct. My guarantee for their access is to that separate school board. They have a permissive right to attend the neighbourhood public school.

Mrs. Church: Under certain conditions, where there is space; yes.

Hon. Mr. Conway: But the guarantee of access is a function of my tax designation.

Mrs. Church: Yes.

Hon. Mr. Conway: I think that is the point that was getting confused. I want to be clear that what I said in terms of a model is the case.

Mrs. Church: The difficulty is that you cannot read the provisions of section 136o in this bill in isolation from the other provisions in the Education Act.

Hon. Mr. Conway: But the provisions we have established for the secondary panel, where now we are contemplating a dual panel, are an extension of the long-standing practice in the elementary panel where there have been two systems. Is that essentially correct?

Mrs. Church: It is an extension in that it applies to both the public boards and the separate boards. It is an additional entitlement that exists. Your taxes do not go to that board, but they will accept you provided there is accommodation.

The fees then will be paid on a board-to-board basis.

Mr. Timbrell: What is the legal situation now for the children of Roman Catholic electors who want to go to the local public secondary school?

Mrs. Church: At present, because their secondary tax support goes to the board of education, they can attend the board of education schools as a right.

Mr. Timbrell: As a right.

Mrs. Church: Yes.

Mr. Timbrell: But with this bill, there will now be a qualifier there.

Mrs. Church: If they are separate school supporters and the separate board in their area extends, yes. Their tax support will be going to the separate system, which will have to provide for them as a right. If they have any pupils currently in the board of education secondary school, they are grandfathered; they can remain. But if they have somebody new, let us say, who is going from grade 8 to grade 9, the pupil can go to the board of education secondary school provided there is accommodation.

Hon. Mr. Conway: But the access, where there is completion, is automatic on the basis of your tax assignment. In other words, if there is a Roman Catholic secondary school and you are a secondary supporter, that school must provide for you.

Mrs. Church: That is right.

Hon. Mr. Conway: If you are a public supporter and you are directing your taxes in support of the public system, that public secondary system must provide for you.

Mrs. Church: That is right.

4:20 p.m.

Hon. Mr. Conway: It is not possible that an individual might be in some kind of no man's land in between. This was Mr. Timbrell's concern the other day. If you are paying taxes, there is an automatic entitlement.

Mrs. Church: One board, the one that is receiving your tax support, will be responsible for you. It should be kept in mind that even where the separate board extends, the Roman Catholic still has a choice as to whether his taxes will go to that system. If he wishes, he can revert to supporting the public school system in the way he can under the current act.

Mr. Timbrell: Which is very much easier the other way around. My concern was with respect to examples one could think of with children who need particular programs, for whom such pro-

grams are not available in their school system, and who for the first time in the case of the public system might now be denied access if they chose to invoke the space availability rule.

Mrs. Church: With respect to providing for program, when we say "a board must provide," we understand it can do so in one of two ways: it can either provide the program itself or it can enter into an agreement with another board.

Mr. Timbrell: In that case, they could buy the service.

Mrs. Church: Yes. For instance, special education would be one area where you might see many agreements exist between boards, as they do now. This is not a new concept. "Provide" means either provide yourself or purchase it from another school board jurisdiction.

Mr. D. S. Cooke: What happens if one of the school boards is not willing to sell, which was almost the case in Windsor a couple of weeks ago with the purchase of French-language education?

Mr. Timbrell: They would say there was no space.

Mr. D. S. Cooke: They were going to revoke it because of the question of whether they had to exempt students from religious studies at the elementary level. They said they were considering ending the purchase-of-education agreement with the Windsor public board.

Mrs. Church: In that case, the school board would have to provide it itself if it were not able to negotiate a satisfactory agreement with another board.

Mr. Chairman: Could I get an understanding about this? Several people were jumping in. If we could use the Essex or Windsor example, could you clarify it? Perhaps you could set the scenario for us and indicate what they would have to do under this legislation.

Hon. Mr. Conway: That may not be a good example because it has been resolved. A board can provide a program in two ways: it can provide it directly or it can purchase the service. What we see in this legislation is that if, for purposes of program, distance or handicap, a non-Catholic student seeks access, he must be provided for.

Mrs. Church: One would assume that the school board you have chosen to support is the one you want your child to attend. Anything beyond that is the exception; say, a pupil at the secondary level wanting to attend a Catholic school when he is a public school supporter. The

bill deals with that in the way of providing an additional break.

With respect to the program considerations, that is an area where the planning and implementation commission will be getting boards to work together to share programs, particularly high-cost programs, or technical facilities to avoid duplication. That is an area where we anticipate co-operation. Apparently, the commission has been finding a willingness to co-operate.

Mr. D. S. Cooke: One section of the bill refers specifically to the French school in Essex county that may be transferred to the separate school board, which is the only French unilingual school serving all of Windsor and Essex county. We will assume it is transferred to the separate school board, that we are five years down the road, and that it is a separate school building at that point. Obviously, there will be a fair number of public school students attending that school.

Assuming the other boards are purchasing education, what are the public school students' rights if the separate school board or one of the boards says there is no longer going to be a purchase-of-service agreement? Are you saying the public school boards then would be forced to provide a unilingual French-language education program someplace?

Mrs. Church: If there is no space in the Essex board, then the public board either would have to look to another board for an agreement or would have to provide it itself. However, if there is accommodation, this bill would say they have to be admitted.

Let us say the director of education of the Roman Catholic school board running that school says there is no accommodation but there is a feeling there really is. There is a provision in the legislation for that question to be appealed, and the planning and implementation commission then appoints the hearing. If it finds there is accommodation in that school, the school board operating the school is required to admit the pupil.

Mr. D. S. Cooke: So even on a programming basis the access is totally on availability of space, even if you are going to another school board, based on the fact that is the only place that has the program?

Mrs. Church: Yes, where it is one that is not receiving your tax support, yes, that is where accommodation is available.

Hon. Mr. Conway: Again, the purchase-of-service arrangement, which is well developed

across the province now, will continue to be in effect in a number of these situations.

Mr. D. S. Cooke: You give school boards a lot more credit than I think they deserve, and I say that as a former trustee.

Hon. Mr. Conway: You raised the Windsor situation and I think I am right in saying that has been resolved. The latest information I had there was that an accommodation was made, and I think there has been a lot of sensitivity. Yes, there have been some problems, but in general I think it is important in this connection to understand that what we are anticipating here is a guarantee of access to the schools operated by the system to which you direct your taxes. That is a guarantee that I think is quite clear. It is not as though you are going to be turned away.

There is the criterion of space availability that, as Mrs. Church has indicated, has applied for many years, so it is nothing new. What perhaps is new here is the provision in the bill that says you can appeal the decision of the board, of the supervisory officer, to the planning and implementation commission.

Mr. D. S. Cooke: I want you to come down to Essex county when that French-language school is filled with students from the Catholic school system and public school students are denied access because there is not enough room in that school, and explain that after the history of that school.

Mr. Chairman: That is a warm invitation that I am sure will be accepted.

Mr. D. S. Cooke: I will not be accompanying him.

Mr. Timbrell: On a related matter, did I understand the minister to say that the effect of this bill, space availability aside, is that where distance, disability or program require, a student shall have the right to go to either system? Is that what you are saying?

Hon. Mr. Conway: No. I am saying essentially that the guarantee of access is to the school operated by the system to which you direct your taxes. I fully expect, however, that as has been the case for years, where a program does not exist or where there are distance considerations, access to the other system will be provided for.

Mr. Timbrell: I see. I thought you said earlier that was covered by the bill, and I was having difficulty finding—

Hon. Mr. Conway: No. If I did, I apologize for confusing you.

Mr. Timbrell: I thought you also said that in the House last week. Maybe I misunderstood.

Hon. Mr. Conway: The point I want to make very clearly is that the guarantee of access is to the system to which you direct your taxes.

Mr. Timbrell: I understand what you are saying.

Hon. Mr. Conway: For purposes of program and distance, there are those considerations. The point I think we want to make in this connection is that education may be provided by another board, assuming space is available.

4:30 p.m.

Mr. Mitchell: To reinforce what the minister has just said, I think this is really what Mrs. Church meant by her indication that this bill goes even further than the current provisions in the Education Act. This bill not only guarantees access to the schools under the jurisdiction of the board to which the parents pay their tax support, it also says that same child may go to a school in the other board—the public board, for example—the only limitation being availability of accommodation.

In other words, the access now, not only to the schools of your own board but to the schools of your coterminous board, is much more open than it is on the basis of the current provisions of the act. Now the only rider, the only possible roadblock, is the certification of the supervisory officer that accommodation is available. In the current provisions of the act, as Mrs. Church has just delineated, there are various categories. Those categories are now out the window and you can go, period, to the schools of the coterminous board if there is accommodation available. It is as simple as that. In that respect, access for the individual student has been freed up.

The criteria which the minister mentioned of program and distance and handicap in this bill apply really not directly to access at all but to potential exemption from religious education once the child is in the Roman Catholic school. Bill, maybe this is something we should go on to explain.

Hon. Mr. Conway: I should just add, because I may have inadvertently left a wrong impression, I was talking about program or distance as typical reasons why access is sought to another board. I was simply trying to point out that those are conditions that are certainly encouraged in this legislation, with the only proviso being the availability of space.

In that connection, it is important that this legislation also provides an appeal from a decision of the supervisory officer to the plan-

ning and implementation commission. We have tried to make the access on that account as open as is reasonably possible.

Mr. Chairman: I have a sense that the members now understand. Yes, I look around me and I think they do up to this point. Shall we continue?

Mr. Kirkwood: Subsection 136o(6) deals with exemption for non-Roman Catholic pupils from religious education and religious classes. What occurs here is that if the parents ask for an exemption, they shall get it, if the pupil is enrolled in a program he could not get in another system or if it is impractical to go to that other coterminous board because of distance, terrain or various types of handicaps.

In addition to that, the Roman Catholic school board may also exempt any other non-Roman Catholic pupil from religious education, but it is required to exempt these others who are in the system because they are forced to be there in a sense.

There is also an appeal provision to that, even though it says they "shall" exempt them for those reasons. If someone in the board or the board itself determined that it was practical for them to go to another school, and they had just let them in for other reasons, that in itself could be appealed to the commission and the decision of the commission would be binding in that instance as well.

Mr. Allen: I have a couple of questions. First, on the basic definition of the term used in both subsections 6 and 7, "religious education," which apparently is what the exemption is for, what does the ministry understand by that? Does it specifically include other religious activities and observances in the school as distinct from religious education? Does it include, as I suspect it would, of course, exemption from sacraments since the church itself would not want to lay that on non-Catholics.

Mr. Kirkwood: Precisely.

Mr. Allen: It goes some distance to try not to do that. With regard to those questions, what is the understanding of the provisions here?

Mr. Kirkwood: It is our understanding that religious education involves the participation in religious services and all that is attendant upon that.

Mr. Allen: Would there be any virtue in your mind in adding other words, "religious education, activities and observances," to make it crystal clear to the boards?

Mr. Kirkwood: There might well be some merit in that, although in discussing this with a number of people, including Frank Clifford, whom you have heard, that just is not an issue in terms of what the Roman Catholic school board would want to do anyway. I presume it would be the opposite that would prevail, if anything, where a parent would say, "Would you please allow my child?" for those purposes.

Mr. Allen: What is the circumstance of parents and children who are enrolled in schools for non-Catholics, enrolled in schools that are transferred en bloc? What will happen in those circumstances with regard to their exemption? Do they have to apply individually for them, or are they understood to be exempt? Do you doubt the special circumstances of the en bloc transfers in relationship to provision 6?

Mr. Kirkwood: I am not aware of any detailed working-out of those matters. It is the sort of thing that the commission has been closer to, certainly, than we have, but I would assume, failing any other provisions made for it, that the parents then would apply for the exemption if they were non-Roman Catholics.

Mr. Allen: What in number 7 is meant to be covered by the permissive "may"? I appreciate very much the principle that we were referred to this morning of facilitating the maintenance of a distinctive educational system in the Roman Catholic separate system, and I appreciate what that may require in terms of some hiring practices and some exemptions and permissiveness in this respect as far as the non-Catholic students in the system are concerned, but would it be equally acceptable, for example, to say that the school board shall exempt upon application rather than simply saying "may exempt"?

Would the courts not ultimately provide some difficulty if you ever admitted a non-Catholic and then required him in any respect to be involved in religious education, observance or activity of any kind against his will?

Mr. Kirkwood: That may well be the case, but it is my understanding with the framing of this, by saying that you shall offer exemption to certain pupils, that if it were left simply at that, it may be inferred from it that you could not do it for anyone else, and therefore the provision was the permissive provision for any other non-Roman Catholic pupil who was there under what one might call normal circumstances rather than being forced.

Mr. Allen: None the less you have given your answer; I understand that.

Mr. D. W. Smith: Why, under 6(b), would the Catholic board not have to accept the physically handicapped, mentally handicapped or multihandicapped person where the public school board would have to?

Mr. Kirkwood: This provision under subsection 6 relates only to exemption from religious classes in education; it does not deal with access.

Mr. Chairman: What you are saying, essentially, is that if that handicapped person has to go to that school for any of the reasons laid down there, he would not be required to take religious education.

Mr. Epp: What do you define as a mental handicap? In your definitions there are definitional sections.

Mr. Kirkwood: The general provisions for handicapped pupils—and I am assuming here that we are really talking about pupils who have been or would be put through an identification and placement review committee which would allow them to be designated as exceptional because of mental or physical handicap. That terminology is used elsewhere in the act and in the regulations that apply to special education in terms of our definition of exceptionality.

4:40 p.m.

Mr. Chairman: Has that been checked? I would just caution that perhaps exceptionality is not equivalent to what you have there. I think you might want to check that. I may be wrong. All I am saying is I do not think that necessarily covers what I understood Bill 82 dealt with in regard to its definition of exceptionality. This could be broader. It could be a child who would not have to go through an identification and placement review committee at all but might have some kind of handicap which would get in the way.

Mr. Epp: I will check that and get back to you.

Mr. Jackson: It might be helpful for those members of the committee who have not had a school background to go through some of those buzzwords when they occur, such as IPRC.

Mr. Chairman: I am sorry. That is a very good point. Those last comments all concerned the terms under Bill 82, which was brought in to provide for an appropriate education for all children, no matter what their handicap. A child has to be defined as exceptional under a series of guidelines that would include some of these. Then there is a process by which the child can receive the appropriate program.

The first stage of appeal is the local placement review committee at the board in the area, which

I am sure you, as a board representative, will understand. Notwithstanding some of the problems a few of us have with the appeal process, that is the grouping we were talking about there.

Mr. Davis: Does subsection 8, which is the appeal process, also apply to subsection 7 or only to subsection 6?

Mr. Kirkwood: Subsection 8 applies to subsection 6.

Mr. Davis: Does it not apply to 7?

Mr. Kirkwood: No.

Mr. Davis: So a person with a Roman Catholic school board may—

Mr. Kirkwood: That is right, because it is permissive.

Mr. Davis: However, if a person then made an application and it was turned down, would he have no appeal?

Mr. Kirkwood: That is not quite the case, because the board may, and if they turned it down, it is their right to do so.

Mr. Chairman: That is the distinction Mr. Allen was trying to make between “shall upon application” and “may” as permissive.

Perhaps it is one of the things we will find. If we are going to have a separate system, then there have to be some terms as to what that separateness is, about which I am sure we will hear more on the road.

Mr. Kirkwood: The remaining parts of this section of the bill relate to the appeals Mrs. Church outlined. Section 136p simply deals with the fact that we would need a number of fairly extensive complementary amendments to the Education Act itself. Rather than place them in this bill, this is sort of a general provision to read the Education Act appropriately with respect to this particular piece of legislation.

Section 136q indicates that orders issued under the bill are enforceable by Divisional Court.

Section 136r takes us on to the planning and implementation commission. It continues the organization originally created through order in council. There are some additional factors here. When we get to subsection 7, an additional quorum is created because of some of the duties the planning and implementation commission is anticipated to perform. Rather than requiring a total quorum, we have put in a provision to allow three members to act for the commission.

Section 136s provides for the planning and implementation commission to advise the minister in respect to the extension and how it is to take place. It also outlines the methods of providing

reports to the minister and consultation. Subsection 4 outlines the sorts of things the commission should look at in order to prepare advice for the minister. Subsection 5 is the one Mrs. Church alluded to earlier: “The commission shall prepare and issue guidelines that shall govern the designation by public boards” of the various staff. This is the authority under which that activity will take place.

Mrs. Church: I think it is important to note here that this is the provision that has governed the activities of the planning and implementation commission to date. It was established by order in council. It has been touring the province consulting with boards, receiving the impact statements, encouraging the boards to work with guidelines developed by the commission in the designation of redundant staff and doing what it can to facilitate a smooth transition of pupils from the public board to education by the Roman Catholic school board.

The first subsection of this provision reiterates the two criteria that it keeps in mind: one, to enable the separate school boards to provide secondary education and, two, to keep in mind and promote the best interests of the public education system.

Mr. Jackson: During the House debate on this subject, I expressed some very serious concerns. Now that we have ministry people here, I would like their thoughts on guidelines. I know it says the guidelines will not become regulations, but has it not been the practice that guidelines issued by the ministry have the impact of regulations as they are applied by your field offices and by your directors and boards?

Mrs. Church: Before I talk to that, I think the reason for subsection 6, to which you are referring, is that under the Regulations Act, “regulation” is defined as any rule, order or bylaw that has legislative effect. The Regulations Act normally provides that they are to be filed and must appear in the Ontario Gazette, which constitutes public notice of them. Subsection 6 says, notwithstanding these rules, regulations do not have to be filed. They will not appear in the Ontario Gazette, but they will still have to be complied with under the terms of this bill.

We do have one other example of this in education and that is the general regulation made under the Teaching Profession Act, which sets out duties of teachers, relations in difficult procedures and so on. This also is a regulation, but not within the meaning of the act. It is prepared by order in council, but it is not filed

and does not appear in the Ontario Gazette. This is essentially a technical provision.

Mr. Jackson: It is semantics but it is based on—

Mrs. Church: The guidelines themselves do have to be complied with by boards once this legislation is in place.

Mr. Mitchell: There are two things here. This has been inserted in order to ensure a technicality from a legal standpoint. Your question, Mr. Jackson, was slightly different. It related to guidelines put out by the ministry in the past years and whether the impact of those guidelines—whether they are curriculum guidelines or Circular 14 or whatever—might be equivalent to the impact of a regulation in their implementation. I think that is a somewhat different question. This is based on a technicality from a legal standpoint in regard to having it gazetted.

4:50 p.m.

Mr. Jackson: I understand that point, but I am concerned about the notion that the ministry staff is being distanced on this issue of the implementation over a 10-year period. We are all keenly aware of the order in council and its creation, how the terms of reference were established and how the process of consultation has gone on to bring us to this point.

As a trustee in Halton, I always had the thought at the back of my mind that the process would come back to the ministry, and rightly so. That is where I am having difficulty. I will have questions tomorrow for the planning and implementation commission.

I had a question this morning for the director of regional services for the ministry as to why the regional offices are not dealing with the implementation at a local level through their field offices, as opposed to a travelling tribunal composed of a quorum of as few as three going around the province to put out educational brushfires. That is more a statement than a question, but it still concerns me.

Mr. Chairman: It is also a policy question, by the way, which at this point it probably is not correct to place to legal staff. What they have produced seems to reflect what the minister says is his intention, at least as from this morning, and therefore what we have is a debate on policy rather than on whether the interpretation of that by the staff was appropriate.

Hon. Mr. Conway: It find it interesting that Mr. Jackson alluded in his opening comments to the Ontario Municipal Board. One can think of the Education Relations Commission, which has

been assigned important duties by this Legislature under a previous administration.

There is a difference of opinion between this bill and the official opposition as to how, at what point and to what degree the minister and the ministry get involved in a number of these issues, particularly in the resolution of a dispute between two boards. That is going to be part of the discussion over the coming weeks. I expressed myself on that subject this morning. I have heard you, Mr. Jackson, on a number of occasions. I do not share your point of view, but I understand it.

Mr. Jackson: Perhaps I can clarify this. Although I spoke last on behalf of my party, I was not providing its total sentiments on that issue. I feel strongly about the growth of the bureaucracy and its accountability in this area. There were your constant references from the beginning of this debate to creative local solutions. I keep looking for evidence of that supplied in this delicate area. I will pursue this debate through the months and ultimately in the House.

Mr. Chairman: I look forward to being here to mediate.

Mr. Davis: I have a question about section 136t. The indication is that the implementation committee may require a school board to formulate all the data it lists, be it separate or public. I was wondering whether it is the intention of the ministry in those first few years of this transition period, even though it uses "may" here, that this will be a "shall."

I do not think it has to be in here, but I think there should be an intent. If there is going to be a transitional period, it seems to me it is incumbent on the government through the ministry to ensure that for at least the first few years that kind of information is monitored so one can see the impact, as one did with the guidelines in Ontario Schools, Intermediate and Senior Divisions. There is no use saying it is a "may" and have the planning and implementation commission then make some kind of report five years down the road that finds that in the past five years everything has fallen apart.

Mr. Mitchell: I think that is essentially the point of having this in here. It provides the authority for the commission to require the plans and that is why it reads "may." Certainly, the plan over the next little while is for the commission to require those plans; there is no question about that. Without having this in here at all, there would not be any authority for them to do it; that is all.

Mr. Chairman: Mr. Davis, we had another piece of legislation in recent times that I was involved with and we had this debate about the use of the verb "may" rather than "shall." It has been seen and interpreted in the past to be permissive in terms of allowing a board to act in this way rather than trying to say it shall. It is presuming it will; let me put it that way. It is not as heavy a word as "shall." Does that make it clearer?

Mr. Mitchell: Yes. It also means that if anyone were to question the commission's authority to do this, that answers that question.

Mr. Davis: Thank you for the clarification.

Mr. Kirkwood: I have a comment about subsection 136t(4). That is really the compliance section. Even though there is a "may," if the "may" is acted upon, then it is mandatory.

Section 136u deals with how the commission gets involved in getting the information it requires in order to advise the minister. As you can see, in subsection 1 it is a matter of holding public meetings and subsection 2 provides for notice of those meetings.

Section 136v says the planning and implementation commission can get involved with the two boards with respect to negotiating solutions to those local problems and negotiating them at the local level. This is all to be done within the context of the criteria outlined in subsection 2, which speaks to permitting Roman Catholic school boards to provide secondary school education and which promotes the best interest of public education in Ontario.

Section 136w deals with how the commission may assist boards in coming to some sort of agreement with respect to the transfer of facilities and anything that may spin off from that. The initial step there would be through mediation. They also have the tool of fact-finding at their disposal. The commission would establish its own procedures in order to carry out those duties. Those duties would be carried out by the staff of the commission.

Section 136x gets into the issue of resolving disputes between boards in relation to any matter negotiated between the two boards. I would like Mrs. Church to take us through this due process procedure.

Mr. Chairman: Just to give you a break, we are three minutes before the time at which I said we would adjourn. We have actually covered more in the last little while than I would have anticipated. In looking at what remains, I think it should not take us a great deal of time except perhaps for this question about what is due process, which may cause some debate.

Can I request you to start first thing tomorrow morning? Is it possible for all to be here? We would then move on to deal with funding right after that. It looks as if we will not have to shift to other deputants as we thought we might have to. Would that be all right with you to be fresh tomorrow morning on this?

Mrs. Church: That would be fine.

Mr. Mitchell: I do not think that more than half an hour at the outside would be required to finish it off.

Mr. Chairman: Because certain members indicated five o'clock was their preference, I think we will have to leave it until tomorrow.

There are a few things for the committee to know. First, I am told the Metro plan we were going to try to get hold of is an enormous document. There is a synopsis that will be made available to us, an executive summary. We will be able to look at that. I have asked the commission to come with a full document, to bring one copy of it, so you can ask the detailed questions I am sure you will want.

The question of what we do with these drafts and how we look at those, if we choose to as a committee, will be dealt with tomorrow morning by the steering committee. I presume we will come forward with a recommendation to use the time we have on Thursday morning to review those, if we have completed our discussions with the Newnham commission tomorrow. I will have a discussion first with the committee tomorrow morning.

The other issue that was raised was the question of the Mississauga paper not being included and a desire to make sure there is coverage for all areas of the province. Perhaps tomorrow at the 9:30 a.m. meeting, the steering committee can also deal with that and any other ramifications coming out of that. Then I will have recommendations for the full committee at 10 o'clock.

The committee adjourned at 5 p.m.

CONTENTS

Tuesday, July 16, 1985

| | |
|--|-------------|
| Education Amendment Act, Bill 30, Mr. Conway, adjourned | S-29 |
| Adjournment | S-54 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Conway, Hon. S. G., Minister of Education (Renfrew North L)
 Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
 Davis, W. C. (Scarborough Centre PC)
 Epp, H. A. (Waterloo North L)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Mitchell, R. C. (Carleton PC)
 Smith, D. W. (Lambton L)
 Timbrell, D. R. (Don Mills PC)

From the Ministry of Education:

Church, A., Legislation Officer, Legislation Branch
 Clifford, J. F., Acting Executive Director, Education Services Division
 Copeland, R. A., Director, Legal Services-Education
 Kirkwood, W. T., Education Officer, Legislation Branch
 Mitchell, W. T., Director, Legislation Branch





No. S-3

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Wednesday, July 17, 1985
Morning Sitting

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)

Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

Davis, W. C. (Scarborough Centre PC)

Epp, H. A. (Waterloo North L)

Guindon, L. B. (Cornwall PC)

Jackson, C. (Burlington South PC)

Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

Clerk: Mellor, L.

Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, July 17, 1985

The committee met at 10:07 a.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

The Vice-Chairman: I call the meeting to order. We were on section 136x. I think Mrs. Church was going to continue.

Mr. Mitchell: Mr. Chairman, if it is all right with you, Bill Kirkwood will continue his walk through the bill. However, we did suggest, if it is the committee's wish, that we also might pause to compare in some detail the two processes in the bill for resolving disputes that may arise, which may be somewhat confusing for committee members and others.

There are two distinct mechanisms in the bill, each of which is fairly complicated. Although we ran over one of them lightly yesterday and are in the midst of going through the second one, it may be that when we finish going through this one, we will need to go back and set the two of them up before you once again in detail, to point out contrasts and comparisons so you have the two processes straight in your minds, if that is acceptable to the committee.

The Vice-Chairman: That is fine.

Mr. Mitchell: Also, once we have finished running through the bill, there may be residual questions from yesterday that you might like to raise with us again. We are fully prepared to deal with them to any extent you wish.

10:10 a.m.

Mrs. Church: Commencing with section 136x, that section of the bill deals with the resolution of disputes between boards when they have been engaged in mediation and have not themselves been able to come to an agreement.

Subsection 1 uses the phrase "of a matter that may be negotiated between a public board and a Roman Catholic school board." To understand what those matters are, you have to refer back to subsection 136w(1) of the bill, which states that "a public board, or a Roman Catholic school board, or the minister, may request the planning and implementation commission" to assist in negotiating between a public board and a separate board in matters relating to transfer or

use of both real and personal property and the transfer of teaching and other staff from a public to a separate board.

The matter of designating staff takes us back to subsection 136s(5), which is the provision that the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario, once the legislation is in force, will issue guidelines respecting the designation of staff.

In chronological sequence, there are guidelines issued by the commission within which the boards are to work in determining staff transfers. When they have difficulty negotiating among themselves, they may request the commission to step in. At this point, section 136w provides for mediation by the commission fact-finders to determine what the problems are.

During this time, the two boards are continuing to try to reach an agreement, but if they are still at an impasse and unable to agree, section 136x finds they now have a dispute that is in relation to a matter that can be negotiated by the boards, and provision is made for a more formal hearing to arrive at an order.

Once either of the boards applies to the commission, the commission appoints a tribunal to decide the dispute. That is provided for in subsection 136x(2). The parties to the hearing will be the public board and the separate board in the area.

A subsection provides that no one may be a member of the tribunal if he has had what amounts to former contact with it. It is to be an impartial tribunal addressing the problem.

Subsection 6 reiterates the two criteria that have to be borne in mind. The Roman Catholic board is to be enabled to provide secondary education, and the tribunal is to bear in mind the interests of promoting public education in Ontario.

Subsection 8 deals with the three areas in which the tribunal may make a decision: (a) is the use or transfer of real or personal property from the public board to the separate board; (b) is the transfer of ownership of real or personal property, or it might be the transfer of a school site from the public to the separate board; (c) is the procedures to be followed in determining the numbers of staff to go on a designated list, and

the procedures that apply in determining those people made redundant as a result of the enrolment shift of pupils from the public to the separate board.

Subsection 9 provides that once the tribunal has arrived at its decision, it provides written reasons and gives its finding to the planning and implementation commission. The commission then makes an order based on the decision arrived at by the tribunal.

Subsection 10 is of interest because it enables the minister to have property retransferred by recommending an order in council to the Lieutenant Governor in Council. For instance, if a school site is transferred from the public to the separate board and after two or three years it appears the pupil populations have shifted again and the public board needs that school, then an order in council can provide for that school to revert to the ownership of the public board.

Subsection 11 states that the Expropriations Act and its procedures do not apply with respect to property transferred in accordance with Bill 30.

Subsection 12 requires the minister to file a copy of the order made by the commission respecting either transfer of property or staff designations to be filed with the registrar of the Supreme Court so that the order then becomes enforceable as any other order of the court.

Subsection 13 provides for an appeal to cabinet. Where a public board, let us say, is going to lose a school and feels the tribunal did not come to the correct decision, it can, within the 28-day period, file a petition requesting that cabinet vary the order, or rescind it or any part of it. Cabinet, if it feels additional facts have come to light, for instance, that the tribunal did not address, may require the commission to hold a new hearing, which would mean a new tribunal would be appointed and the process would be followed again. However, following a second hearing and decision, there is no further basis of appeal to cabinet under this section of the act.

The last subsection, 16, states that the Lieutenant Governor in Council is not required to hold a hearing before determining the action on a petition under that subsection 13. Cabinet will have the record of the former proceedings under the tribunal for use in arriving at its decision.

Mr. Timbrell: I have a couple of questions. Going back to subsection 8, is it conceivable—and if it is, why have you not provided for the possibility—that in some situations it may be that Roman Catholic properties, in order to straighten out school boundaries and establish them in a

logical fashion, should be transferred to the public boards or that there should be some kind of an exchange of properties? If I read this correctly, it is all one way. Am I reading it incorrectly?

Mr. Mitchell: No. You are reading it correctly. Our fear on this one was that if it were to work both ways, it might be perceived as undue intervention in the protected rights and privileges of separate school boards.

Mr. Timbrell: What happens then if we find a situation—I do not know of any right now, but we are preparing something which we hope will stand the test of a very long time—where it could lead to the construction of facilities while others are available, in this case, in the Roman Catholic system?

Mr. Mitchell: Our answer to that at the moment is twofold. One, it is hard to predict down the road very far at this point.

Mr. Timbrell: I understand that.

Mr. Mitchell: The other is that, as we said yesterday, we are banking mightily on the powers of persuasion and mediation of the planning and implementation commission in this regard.

Mr. Timbrell: As a more general question, why did you opt for this type of system throughout a variety of drafts, using the commission to appoint a tribunal, the tribunal to hold hearings and filing orders, with a potential for judicial review and all these other things, as opposed to what I would consider to be a more straightforward system where the commission would act as a fact-finder for the minister, provide the minister with recommendations and the minister and cabinet would make a determination and pass a binding order in council?

10:20 a.m.

Mr. Mitchell: Over the period of time during which we have worked on this bill, and I alluded to this briefly yesterday as well, we have been through many variations on most of the issues inherent in the bill. The model you are referring to, the one in the bill now, was not always the model that appeared in previous drafts, as you know.

It is basically a policy decision. Over the months, we have seen some swings and shifts in policy direction on this, quite understandably, quite naturally. The basic question is to what extent the planning and implementation commission should have a role in this kind of procedure, to what extent the minister should have a role in this kind of procedure and to what extent some

other third party, other than the planning and implementation commission, should have a role in this kind of procedure.

There is a question of who should have judicial right of decision-making. There is a question of impartiality of the various parties at various stages of this kind of decision-making and with regard to appeals and so on. It is an extremely complex undertaking and one that somehow has to honour and respect the roles of both the minister of the crown, the commission and the process itself to make sure it is a viable process.

All I can say directly in answer to your question is that given that kind of background, the most recent policy decision was to go this route. From a legislative point of view, that is about the only kind of answer I can give at this point.

Mr. Allen: As a result of our discussions yesterday, if not earlier, I think most of us are aware of the protected character of hiring in the separate system, for example, under the Ontario Human Rights Code. Just so all of us understand what you are referring to, could you elaborate for us on the content of the protected character of separate boards which you referred to with respect to properties and property-holding?

Could you also enlighten me on another point? I heard someone say at some point that when the Roman Catholic private high schools came into the public system, public education in Ontario would receive an immense grant of capital facilities. Is that the case, and does it bear in any respect upon the wording of this section? Were many of those high schools not privately subscribed and purchased? What is their status with respect to their becoming now, in effect, public facilities?

Mr. Mitchell: There are at least two separate considerations here. First, in regard to the latter part of your question, I do not believe this policy and this bill speak to the funding of private Roman Catholic high schools. I know that is not what you are saying—

Mr. Allen: No.

Mr. Mitchell: —but there is a bit of an implication there that I would like to clear up, from my perspective at any rate. This policy speaks to the extension of funding to Roman Catholic school boards. There is a fine little distinction there. In other words, the implication is that we are talking here about public funding to existing, albeit extended, publicly elected separate school boards for grade levels or credit levels, however you want to look at it, beyond those that are currently funded.

Admittedly, you are talking about increased numbers of students, but I am not sure you are necessarily talking about private school buildings. That may happen in the wake of the policy as it is implemented, but I am not at all sure in the first instance that this is where the emphasis and the focus should be. In that context, I am not sure whether at this point we are talking about property matters to any extent involving already-existing private high school buildings. I do not think that is the focus of the policy.

In answer to the first part of your question, I will take a run at it and perhaps rely on my legal colleagues to shore me up or correct me if I am wrong.

I think what we are saying here is simply that, given the long-standing, legislated rights and protections of Roman Catholic separate school boards, if the great white government—or red government—were suddenly to start grabbing chunks of property and buildings that formerly belonged to those Roman Catholic separate school boards, we would be perceived and accused of suddenly intervening in a way that government has always hesitated mightily to intervene because of the legislated rights and protections stemming from the British North America Act, the Constitution, the Ontario Human Rights Code and the Charter of Rights and Freedoms.

That is an oversimplification, but I really think that is what we are driving at. Anu or Bob, I do not know whether you want to amplify on that or not.

Mr. Copeland: Separate school properties to this point are all elementary schools, at least within the concept of the Constitution Act. They would seem to have the full protection of the old British North America Act and now under section 29 of the charter.

Apart from those concerns, there are two others. The separate school boards have long had the power to mortgage their property for capital purposes. That is something the boards of education have never had. It is essentially a debenturing process where they were funded under the Ontario Education Capital Aid Corp. when it was in operation. Some private interests would be expected to be involved in the financing of existing separate schools.

All of that tends to suggest it would be rather tricky and inappropriate from a constitutional point of view to have a counterbalancing approach of switching schools. That does not prohibit board-to-board transfers if that is a sane and reasonable thing to do. If they want to trade

one school for another on a voluntary basis, certainly that would be encouraged, but it is the problem of legislating it.

The second concern, which I think relates as well to the private Roman Catholic high schools, is that a good number of those buildings house grades 9 and 10 operated by the separate board, and grades 11, 12 and 13 run by the private Roman Catholic high schools. Certainly in the early going, one would assume those facilities would continue to be used by an extended Roman Catholic separate school board.

Unfortunately for our purposes, there are instances of those buildings having a composite use connected either with the church or some other religious organization. It is rather difficult to see much practical use being made of transferring those types of buildings over to a board of education where there is this multi-use feature.

10:30 a.m.

It was the sum and substance of all those considerations that led us to believe it was better not to make any provision whatsoever for the transfer to a board of education of separate school properties, or properties in which a separate school board has an interest, and to leave it as a matter of negotiation between the boards if it was convenient for a property transfer of that type to occur.

Mr. Allen: That clarifies many of the points. I thought you passed through that quickly. I was not sure whether we were picking up all the nuances of what you were saying.

Mr. Jackson: Mr. Timbrell's question raises several further questions, especially with the response from staff. What are the implications of subsection 136x(8) for capital construction five years down the road when a new school is to be built? On the basis of this legislation, it appears that it would be far more convenient to let the separate board build the high school, even if 50 or 60 per cent of the students who might want to use the high school are from the public system.

The second question has to do with the obvious: By transferring in only one direction, you are creating more assets for that board to sell at a future date, five, 10 or 20 years from now when declining enrolments force an obvious declining school situation. Can I have some reaction to both those questions?

Hon. Mr. Conway: I have a couple of observations, Mr. Jackson.

First, the policy context in which many of these considerations will take place was set out

by myself in the second-reading debate and by Mr. Davis, formerly from Brampton, 13 months ago. We expect and intend to see maximum sharing and use of existing facilities. One aspect of that is leasing arrangements, many of which are in place now, that might exist between Roman Catholic separate school boards and private Catholic high school boards, in many cases for the same facility.

Second, and I should really reiterate this, we do not intend this policy to be an excuse for unnecessary additional new plant. I want to make it as clear as I can that we expect maximum use of current facilities. That will involve sharing, leasing arrangements and a variety of other options that will meet local conditions.

Mr. Jackson: That begs the question. If the minister is going to refer to statements in the House, he distinctly referred, as did the previous Premier, to two fully funded public education systems. That concept has been conveyed by all ministers to date on this issue. I sense that this clause is one-directional. That was the issue I was raising. It is clear we are all going to maximize sharing and all those warm statements we have received.

Hon. Mr. Conway: On that point, I reiterate what Mr. Copeland indicated. This legislation does not preclude the transfer of property from a separate board to a public board. Counsel has indicated there may be some legislative difficulties with trying to specify that. I fully expect there would be a transfer in one fashion or another both ways. It may be through a leasing arrangement.

Mr. Mitchell: The other point we have already mentioned was the possibility of transferring back at such time as a facility is no longer needed by the second board.

Mr. Chairman: Do you foresee any problem with putting in a permissive section as is laid out here for the other direction? I heard a bit of what Mr. Copeland was saying, but it was not clear that it was necessarily a problem if it was left permissive rather than being mandated.

Mr. Mitchell: I think he and others are saying we see some problems. We are not saying it is totally impossible, but then no one said anything would be easy in any case.

Mr. Davis: I would like to pick up on three areas, but primarily I would like to come back to the private Catholic high schools and try asking a hypothetical question so I can understand it. Let us assume that in some hypothetical local jurisdiction the students of the private high

school move to the local separate school board which has just acquired a building that belonged to the public school board, which now means the private Catholic high school no longer has any students. Can the organization that owns that building sell it? If so, what happens to the funds? Can it use them in any manner it wishes?

Mr. Copeland: I think the answer is yes. I have to qualify it a bit, in the sense there will probably be a very limited number of buildings entirely privately-owned among the 100 or more private Roman Catholic high schools. The separate school board has an interest in the majority of them, either by lease or agreement, in order to carry on the operation of grades 9 and 10 at the moment in that building.

Some would be completely free and clear of that separate school board encumbrance. Quite obviously, those are privately owned by an episcopal corporation. In the event they were vacated by reason of the separate board acquiring a collegiate institute or a secondary school owned by a board of education and all the students relocate, that facility, owned outright by the private Roman Catholic high school corporation, would be just an asset to be disposed of by that corporation.

Mr. Davis: Let us assume, as I understand the intent of the legislation—I could be corrected—the private Catholic high school, for funding purposes, becomes part of the separate school system, or are some of the buildings already part of it?

Mr. Copeland: Again, there may be a few instances in which the building and land are owned by the separate school board and the private Roman Catholic high school corporation which occupies a portion of the building for purposes of grades 11, 12 and 13. I do not know of any offhand, but there could be some.

Mr. Davis: At present all the private high schools are owned by some religious organization or the Archdiocese of Toronto. At some point, it is possible those buildings could all become empty and the students move to public educational facilities that have now been acquired by the separate school boards. Those buildings then revert to the owners, who can sell them and use the funds as they wish.

Mr. Copeland: Yes.

10:40 a.m.

Hon. Mr. Conway: It is quite unlikely, on the basis of the present pattern. If you want, we could perhaps prepare some background information on those private schools. It might be

useful. The pattern varies from time to time. It is fair to say we have a number of privately owned schools in which the separate school board rents space, for example, for its programs in grades 9 and 10. That is not uncommon.

Mr. Chairman: Do you have a profile of the 100-odd schools; who are the owners; how much is shared; other information that would be useful to members?

Mr. Timbrell: I was going to suggest it would be helpful if the legal draftsmen who are involved with this would also prepare for our consideration a complementary amendment that, in the event the committee decided to consider such an amendment, would make this an equitable arrangement as between public and separate systems for the transfer of properties.

Mr. Chairman: We will do these things separately for a moment. Concerning the information-gathering we would like on the schools, what else would you like to know besides the ownership and the present sharing relationships within the buildings? Is that about it?

Mr. Davis: I have another question in the same area.

Mr. Chairman: We will come back to Mr. Timbrell's point at the end of this part.

Mr. Davis: Do the people who drafted this bill have any concept of what they mean by the transfer of the use of real property? Let us assume for a moment that the separate school acquires a public educational collegiate, the committee is put together and there is a dispute. Nowhere in this piece of legislation, nowhere in this whole debate, have I heard any minister talk about what it costs the separate school to acquire a public educational building, other than hearing various ministers, probably including the present one, saying we should not pay twice for a building.

It may be more for the implementation commission which has already dealt with it, but at some point we have to know: does the transfer cost \$1, nothing, the going market value? When you, the policymakers, put this together in respect to the transfer of property, what kind of concept did you have as to the cost factors that would be involved in that transfer?

Hon. Mr. Conway: The planning and implementation commission and Mr. Duncan Green, who will be here later this morning, will be talking to that particular point.

Mr. Davis: Okay, that is fine. I will ask it then.

Mr. Chairman: It would be useful if we were to put that in the context of funding first and then in terms of what is practically happening with implementation at the moment, and deal with it later this morning and this afternoon. Do you have a comment, Mr. Mitchell?

Mr. Mitchell: Perhaps I may briefly offer a word of explanation about the role of the legislation branch with respect to policy. The legislation branch, by virtue of its activity, does get involved in a certain amount of policy analysis; more policy analysis than people would ever dream of in actual fact. It is an integral component of what we have to do in drafting and revising legislation.

But one needs to keep clear in one's mind the fact that policy formulation as such really is not part of the function of the legislation branch; analysis, yes, and a lot of liaison with the policy formulators both within and outside the ministry. The legislation branch, in drafting legislation, for the most part is trying to translate into legislative terminology and proper format the policies that have been indicated to us. That is why, on some questions such as that, Mr. Davis, we have just a little bit of trouble answering your question fully.

Mr. Chairman: I have Mr. Allen and Mr. Smith, and then we will come back to the suggestion that was made by Mr. Timbrell about the motion.

Mr. Allen: I want to be clear on this question of the private ownership of the Catholic high schools and the implications that appear to be arising in the discussion here that perhaps there is something, not just a problem but an inequity, in the fact that it is so. Therefore, they are not easily accessible for transfer purposes to get this reverse flow going that the Tory Education critic, the member for Don Mills (Mr. Timbrell), has referred to.

Is not the only way that one could access that private property publicly by expropriation or by some such drastic means? Does it not have those protections that private property normally has under law? If you were drafting this legislation in order to make the reverse flow happen, if you were speaking of the movement of private property in Catholic high schools, how would you make it happen?

Mr. Mitchell: Mrs. Church or Mr. Copeland may want to amplify on this, but I do not think Mr. Timbrell is suggesting quite that. I think he is suggesting public property that currently belongs to the Roman Catholic separate school board.

Mr. Allen: Perhaps my reference was wrong then. Perhaps it should have been to Mr. Davis, who raised the question of private secondary schools.

Mr. Mitchell: You did not mention Mr. Timbrell, but I was connecting it with Mr. Timbrell's suggestion that we come up with a relevant proposed revision here.

Probably the assumptions underlying your question are quite true, but I reiterate that I am not sure in this policy we are looking very hard at private property as such and private high schools as such. Some of that activity may happen as a fallout from this policy and its implementation, but what we are really talking about here is the public funding of publicly elected school boards that are now going to be funded for secondary programming purposes. I do not want to lose sight of that focus.

Mr. Allen: I understand the focus and I accept it. None the less, we did get into a little eddy on the side of that focus, did we not, on the side of the whirlpool?

Mr. Mitchell: Yes, we certainly did.

Mr. Allen: It is no answer to the problem the eddy creates to say, "Let us look at the whirlpool." I want to be clear on this point. Private property is private property and it does have rights under the law. If we begin thinking that somehow we can access that, we are into certain problems.

Mr. Mitchell: Essentially, I agree with that.

Mr. Allen: Does subsection 11 preclude that? Is that why subsection 11 was drafted? "The Expropriations Act does not apply in respect of the transfer or retransfer of real property or personal property in accordance with an order under this section."

Mr. Mitchell: Not entirely. The impact of subsection 11 is simply to exclude the processes under this section from the procedures and processes under the Expropriations Act, which are somewhat different from, and more formal than, these processes. That was the primary purpose of that subsection.

Mr. D. W. Smith: Some part of my question has been answered, but I think it is very important that there are private schools that are prepared now to accept public funding. We have to know who is going to become the owner of those schools at some time. To me there has to be a give-and-take deal here.

I am trying to listen to it all and absorb some of it, but I do not know if I am even clear yet on who is actually going to have ownership of these

schools that are going to accept public funding in future years. That has to be brought out here a little more clearly than what I am hearing.

Mr. Chairman: Perhaps we can get another response. There are situations at present in which I presume we are leasing properties that are not owned by the public boards but are held by private corporations.

Mr. Mitchell: My response to that is similar to the response I offered a few moments ago to Dr. Allen. I think this policy, at least in the first instance, is not in its intent setting out to publicly fund private schools of any kind—Roman Catholic private schools or any other private schools.

10:50 a.m.

In the first year, for example, when there is going to be extended funding for grade 11 students, theoretically at least, according to the policy in the bill, those grade 11 students whose education is now going to be publicly funded for the first time will come under the jurisdiction of the Roman Catholic separate school board, the public board. As such, they will no longer have anything to do with the private school which they otherwise would have attended. That is why I am trying to make this nice distinction between, on the one hand, funding private schools, which we are not involved in, and, on the other hand, funding the education of additional students, in which we are involved in this policy.

Mr. D. W. Smith: But is not this private school still going to be the building where these students are being taught?

Mr. Mitchell: Not necessarily. That will depend entirely on local circumstances, agreements and arrangements.

Mr. D. W. Smith: They could be.

Mr. Mitchell: Yes, but if they are, there is not going to be a great deal of change. There would have to be some change, obviously; but not a great deal of change from a situation where there is a school housing grades 9 and 10 under the jurisdiction of the Roman Catholic separate school public board, and grades 11, 12, and 13 under the jurisdiction of the private school, where there is some kind of arrangement by which the Roman Catholic separate school board either leases or owns part of the building or perhaps owns the whole building and leases some to the private corporation.

All you are doing is adding one more grade level of youngsters. The extra grade level may remain in that school or it may be somewhere else. There is nothing in the bill which dictates that.

Mr. Epp: That begs another question. What happens if a Roman Catholic board which is now leasing facilities in a diocese or some other place has requirements to put on an addition? Does the ministry end up paying for that addition? Who has ownership of it? Does the owner of that building then put on the addition and does the separate school board lease the building? What conclusions have you come to when you have discussed this possibility?

Mr. Mitchell: In the normal course of events, if a Roman Catholic separate school board persuades the ministry that it needs additional permanent accommodation and if the ministry agrees to that and funds it—that is, quite clearly funding for permanent accommodation or portables or whatever for the Roman Catholic separate school board—it is the Roman Catholic separate school board, the public board, which would have jurisdiction over that space, that accommodation, whatever form it takes.

Mr. Epp: If you put an extension on it—I am not talking about portables—and if the board then owns it, you have two separate owners of that piece of property.

Mr. Mitchell: That is quite possible.

Mr. Epp: What happens if the original owner then wants to sell his part of the building—for instance, if it is a diocese that owns the building? I would have thought your answer would have been that there was no way you would have joint ownership and that if the Catholic board or whatever needed an extension, then the ministry would end up only leasing property rather than having joint ownership of it.

Hon. Mr. Conway: I repeat the earlier point that is central to this debate on accommodation. The minister, the ministry and the planning and implementation commission will operate on the basis there will be maximum use of current public facilities. Clearly, that has to be done in the interests of good public policy formation. A situation such as you describe, Mr. Epp, is going to encounter that reality at the very outset, and repeatedly. This government is not going to be in a situation where there is going to be unnecessary new physical plant at a time when there is a substantial amount of unused capacity in the system.

Mr. Epp: Could I get a clarification from Mr. Timbrell as to the facilities he referred to in his question? Were you referring to the facilities currently owned by the separate school boards or were you extending that question to the Catholic boards?

Mr. Timbrell: I was thinking primarily of buildings, properties and facilities, title to which rests with either of the two publicly funded systems. The discussion has broadened into an area that is obviously very difficult. I understand very well the distinction Mr. Mitchell and the minister are trying to draw.

Over the course of the next three months, as we hear representations, I would hope we could hear from some representatives of separate school boards and perhaps certain dioceses as to their feelings on whether properties that are used for secondary Catholic education but are not owned by separate school boards should, in some manner or means, form part of the dowry of this new relationship.

My primary concern, and what prompted my initial remarks, remains. I think we should at least consider whether there is some way with respect to subsection 8, which provides for transfer of property, that it could go either way. I am fully cognizant that in probably 99 out of 100 instances, just looking at the declining enrolment in recent years and the growth of enrolment in the separate school system, it is going to be from public to Roman Catholic.

It is not inconceivable in a community, given the demographics of that community and the student population, that an orderly redefinition of school boundaries would suggest it would be appropriate to swap properties or to have a property go from Roman Catholic to public. This does not provide for that, other than goodwill and the influence of the commission. If all that fails, this does not provide for any other remedy.

Mr. Chairman: Just as a point of order, your question about amendments raises for the committee's consideration the question of what we want to do at this point about suggested amendments or proposed possibilities. Would it be better, rather than having them presented to us at this time, perhaps to encourage the legislative counsel to start attending some of our meetings and then to have interaction with the counsel, for the ministry to start drawing up some of these potential things for us to have a look at later on? We obviously will not deal with them until clause-by-clause debate, but—

Mr. Timbrell: That is right. I was happy with that. My only thought was that I know very well, from earlier drafts I saw during the previous administration, how much time, effort and thought Mr. Mitchell and his staff have put into this and other issues in the bill. If there can be some working relationship between legislative

counsel and the ministry to give us some options, that is fine with me.

Mr. Chairman: I wonder if what we can do as a committee on an ongoing basis would be to red-flag areas that are of concern to us. Then through legislative counsel we could have that kind of interaction take place. Would you be amenable to that? Fine.

Mr. Mitchell: That presents no problem to us at all. I do not think at this stage you need a formal motion. We are running an inventory of these things anyway and we will simply proceed along those lines, if that is your wish.

Mr. Chairman: That would be very helpful.

Mr. Allen: In this respect, would you provide us with the sections in the relevant acts and the regulations which pertain to the sale and transfer of properties in the school system as it currently exists?

Mr. Mitchell: Certainly.

Mr. Chairman: Thank you, Dr. Allen. Mr. Guindon?

Mr. Guindon: My question has been answered.

Mr. Chairman: That is the trouble if you wait too long.

Mr. Guindon: That is right.

Mr. Chairman: I will catch you earlier next time.

11 a.m.

Mr. D. S. Cooke: If there is a public high school in the system now that is going to be transferred to the separate school board, and then 10 or 20 years down the road that high school is closed as a result of declining enrolment or whatever, I gather the school can be transferred back to the public school.

The only thing I am concerned about is what happens when the public school board decides to dispose of that property, to sell it. Under the present system, both the separate school and the public school ratepayers have paid for that school, along with ministry grants. Is that correct?

Mr. Mitchell: I am not sure. I think it would depend a lot on the stage at which it was transferred and retransferred. With respect, you may want to raise that specific question with the people from the school business and finance branch when you are talking with them later. I am not sure it is entirely within our ability to cope with that. Perhaps some of my colleagues may want to take a run at it, but you might get better detail from that group.

Mr. D. S. Cooke: I was concerned that only one set of ratepayers was being protected—in this case, the public school ratepayers.

Hon. Mr. Conway: I think Mr. Mitchell is quite right that it would be better to deal with it later with the finance and business group.

Mr. Chairman: If we have some drafting concerns about it, we can use the process we just talked about.

Mr. Reycraft: A few minutes ago it was agreed we would be supplied with information about the real property. I am not sure of the nature of that information and how extensive it is going to be.

Hon. Mr. Conway: My reponse to Mr. Timbrell's request was that we would provide information on the pattern of ownership and use that exists for the 84 private Catholic high schools. I think that is the actual number; I may be mistaken, but that is the range. We would simply provide a pattern of ownership and use, because it varies from time to time and place to place.

Mr. Chairman: I think it is important that we are clear about this. When I tried to make it clear before, perhaps I failed. Is that what you had in mind, Mr. Timbrell?

Mr. Timbrell: Yes. Actually, I think it was you, Mr. Chairman, who raised the request for that information.

Mr. Chairman: I thought the idea was a listing of these schools, how they are being used at the moment with regard to shared facilities and that kind of thing. That was what we were after. Have you a specific concern?

Mr. Reycraft: It is for information about facilities and space that are being used by both separate and public boards but not owned by them.

Mr. Chairman: I think that would be a larger matter to get hold of. You are now suggesting we might want to get a hold on the space the public boards are using that is not owned by the public boards.

Hon. Mr. Conway: Some of the business and finance people are here. They may be able to speak to some of those related questions. That is not an adequate address to the question and perhaps we can supply some additional information, but some of those patterns would be better understood by talking to Mr. Green and others in the school business and finance branch.

Mr. Jackson: Taking it one step further, the trigger for this request for data was not knowing

the demographics, where there may be scenarios where they will transfer the students. In my community such a scenario exists with a privately owned separate high school that is overcrowded but vacant pupil spaces are available among the seven or eight public secondary schools in the city of Burlington. I think we need both sets of figures.

There is a reasonable expectation on the part of the community that it will be able to expand facilities as opposed to transferring them. That is why we really need the other piece of information, as Mr. Reycraft has suggested. Where there are coterminous boards it will not be so difficult because they file their vacant pupil spaces with the ministry. Accommodation reports are filed in June every year, so we would have that broken down by school board district, by community and by individual high school.

Mr. Chairman: I suggest that after we have been through the funding section, if we get to it this morning, and have had the period of time with the Newnham representatives this afternoon, we might have a clear idea of specifically what we want to request from the ministry on this. At that point we could firm up what we want to ask for. This is an important addition.

Mr. Timbrell: I just wondered whether the minister wanted to comment on the other question I asked earlier about the process. Specifically, what comments does he have about the alternative I outlined, which I submit would be very much more straightforward? It would certainly cut down the time involved, and I would suggest it would reduce the potential friction and expense which this process, as it is outlined, could entail.

Hon. Mr. Conway: I would make just a couple of observations.

First, I do not know that it is true to say the process Mr. Timbrell describes would be a more direct and faster route. Some of my legal advisers tell me that, given the nature of some of the issues to be arbitrated—Mr. Kirkwood might want to speak on this briefly—ministerial or cabinet adjudication of these questions in the new world of the charter is not necessarily going to be as swift and as straightforward as it might have been in an earlier time.

Second, and perhaps more important, it is my feeling that at least in the first instance it will be a better and more neutral process if it is done by an independent tribunal associated with the planning and implementation commission. I fully expect, and the legislation speaks to this, that there will be and must be the opportunity for

appeal to the minister and his cabinet colleagues. It makes more sense to me, and it is more consistent with other patterns of adjudication we have developed.

In response to Mr. Jackson yesterday, I mentioned that previous governments have developed and supported useful devolutionary agencies, such as the Ontario Municipal Board and the Education Relations Commission, which at least in the first instance discharge important responsibilities on behalf of the government, from which there is an appeal to cabinet, certainly in the case of the OMB.

My preference is very much for that kind of mechanism rather than having the minister as the first point of contact and adjudication. Among other reasons, it seems to me in that situation the Minister of Education, in the worst-case scenario, might not have much time for anything else.

Mr. Timbrell: I want to make it clear that I am not suggesting the minister should be on the front line. The earlier sections that provide for arbitration and mediation are quite appropriate, in my view.

The question is whether the commission itself should act as a fact-finder when the process of mediation breaks down, provide the minister and the cabinet with its advice and then have the minister and the cabinet make a decision based on that advice and information which would have been gathered in an open way by the commission itself; or whether we should go through the additional steps provided for in this section. I invite the minister to think about that.

Having been a minister myself for as long as I was, I realize it would not be appropriate for the minister to inject himself or herself into every case at the outset. However, inasmuch as you have provided in the legislation that you can be involved in finalizing just about every case, which I submit you will be, then why put people through so many additional steps with the pitfalls of cost, time, frustration, anxiety, potential judicial review and all that goes with that? It is something we should look at.

11:10 a.m.

Mr. Chairman: I presume the sections you are talking about in the charter have to do with due process. Is there anything you would like to say about that, Mr. Kirkwood, before the minister replies?

Mr. Kirkwood: I would like to make just one point. In my discussions with Mr. Copeland and legislative counsel, it appears the processes outlined in the bill as it stands now are appropriate. If we used one of the methods that

were in the earlier drafts, the cabinet itself or the minister would have to go through those very same processes to provide for the protection and fairness of the decision, given the fact that the courts have decided to look into cabinet documents and into the process the cabinet has been going through. That was the fundamental reason for moving away from the previous model.

Mr. Timbrell: It would be helpful to have those written legal opinions if you could provide them. Recently, at the end of the last administration, we went through something similar with respect to the Niagara Escarpment. As Provincial Secretary for Resources Development, I was responsible for ensuring that 240 or 250 submissions in response to a publication a year ago by one of my predecessors were reviewed properly and given the consideration they deserved. I am familiar with that kind of due process requirement on a minister.

I would like to see those legal opinions so that a couple of months down the road from now, when we get around to looking at this clause by clause and considering whether there is a better way, we might have the benefit of the legal advice the minister has had.

Hon. Mr. Conway: Mr. Timbrell, I appreciate what you are saying. Given the way we resolve difficulties in other parts of the Ontario government, I thought this mechanism made good sense in the light of the process we were developing elsewhere. I understand there is a difference of opinion.

Mr. Timbrell: There may be. When the day is done we might find there is no better way, but I would like to see that explored.

Mr. Mitchell: With respect to Mr. Timbrell's last request, I do not want there to be any misunderstanding. Many of the pieces of advice we received from the Ministry of the Attorney General are not necessarily on paper. Some were transmitted to us verbally. Mind you, we can make sure we get confirmation of some of those pieces of advice if you wish to see them on paper, but at present some of them are on paper and others are not.

Mr. Timbrell: There is time for you to get them in writing.

Mr. Mitchell: Certainly.

Mr. Chairman: It would be a useful thing for the committee as we look at the various options as we move along.

Mr. Reycraft: It is my understanding the decision of the tribunal is submitted to the

commission and then referred to the minister without alteration or amendment. Is that correct?

Mr. Mitchell: The tribunal makes the decision, which is forwarded to the planning and implementation commission. Then the commission makes an order, which cannot deviate from the decision of the tribunal, it must be in accordance with it.

Mr. Reycraft: It seems to me the process as set up now ensures the members who are making the decision are truly impartial, whereas, were the decision to be made by the commission as Mr. Timbrell has proposed, given the very diverse backgrounds of the members of the commission that would be likely; it would be much more difficult to ensure there was true impartiality.

Mr. Mitchell: I think that is very true.

Mr. Chairman: Theoretically true, yes.

Can we move along? I am aware we want to take as much time as we can on this, but we also want to hear from the funding people.

Mr. Kirkwood: I think Mrs. Church would like to draw some comparisons between the process in section 136x, which deals with interboard conflict, and section 136m, which deals with staff dispute resolutions, so there is some clarity about those two processes and why they are different.

Mrs. Church: Essentially, section 136x deals with board-to-board disputes and section 136m deals with disputes individuals may have with the board. For instance, beginning with 136x, if you are now at the point where the boards have agreed by order that 10 teaching staff are going to be lost from the public system to the separate system, the public board under the bill is required to designate which of its staff will be placed on that designated list.

Where one teacher, let us say, is not placed on that list and feels he ought to have been to get the protections that being a designated person provides, he can then institute a grievance arbitration procedure under the provisions of section 136m. At that point he would notify the other party and the board that he feels he has a grievance; that he feels he should have been placed on that list is one example.

At that point you have the normal arbitration procedure in effect, with the teacher appointing a party. The board has five days within which it wants to decide whether it will have this matter heard by the single arbitrator or whether it will also appoint a party. If the board does appoint a party, then there is provision made for the

chairman to become the third arbitrator. Where the parties cannot agree on a chairman, the Education Relations Commission is approached and it will appoint the third party, who will act as chairman.

This arbitration tribunal then listens to the grievance. The decision of the majority determines the outcome. Again, the emphasis here is to ensure there is protection for an individual who feels he has been aggrieved in a decision by his board. Section 136x is the resolution of board-to-board disputes.

Mr. Davis: I notice that clause 136x(8)(c) deals with a dispute over the number of teachers placed on the list. You said if a teacher is not placed on the list he can go through a process of appeal under section 136m. Can a teacher who is placed on the list also make a grievance, saying he should not be on the list? Is it possible to have two grievances going on at the same time where there are individual teachers grieving under section 136m as well as a board grieving under section 136m?

Mrs. Church: I would say yes, it is possible.

Mr. Davis: The lawyers are going to make a lot of money.

Mr. Chairman: All legislation is designed to make money for lawyers. I have always been convinced about that. All the graduates we are getting from law school these days will have a lot of work to do.

Anything further, Mr. Davis?

Mr. Davis: No; that answers the question. Thank you.

Mr. Chairman: Did that complete your remarks, Mrs. Church?

Mrs. Church: Yes.

Mr. Kirkwood: Section 136y provides that any agreements that boards make must be within either this legislation or any other statute. It just provides for the legality of the agreements that boards make.

The last section of the bill deals with complementary amendments to the Education Act and the possibility there will be a bill relating to the governance of French-language schools as well. When this bill was originally drafted, we were at the same time proceeding with what became Bill 28.

The first complementary amendment deals with the splitting of corporate taxes in order that some of them might go to the support of Roman Catholic school boards. It is based on the model that exists at present in the Education Act for

Roman Catholic separate school boards. Mrs. Church, would you like to explain the process?

11:20 a.m.

Mrs. Church: Under the act at present, where a corporation wishes and where it can be identified as, let us say, having its shares held by Roman Catholics, it can designate its tax support to the separate system. What this amendment does is simply extend the existing capability to apply at the secondary level in an area where the separate school board extends. It does not alter the basis for determining corporate tax support. It simply extends it to the secondary tax base.

Mr. D. W. Smith: Did you say it was just based on the way the shareholders of the corporation wanted their assessment for taxes to go?

Mrs. Church: Yes. They have to be identified. For instance, if 50 per cent of the corporation can be identified as holding shares, those people would be permitted to designate 50 per cent of their taxes to the support of the separate school system.

Mr. D. W. Smith: Who looks into the decision? Does the ministry decide these shareholders are Catholic supporters? How do they go through all this?

Mrs. Church: I would have to refresh my memory on section 126.

Mr. Copeland: It is done initially by the corporation itself. The tendency has been for the board of education to challenge what has been done if the board has some concern that it will take a loss in tax revenue by virtue of what has been done. The ministry does not become involved in it.

Mr. D. W. Smith: I see.

Mr. Chairman: Is there no provision under our acts for a partial assessment, as there is in Alberta; that is, if there are a number of principals or shareholders in a corporation, an equivalent portion of the taxes can be transferred?

Mr. Copeland: Under section 126 of the Education Act, there is a provision which allows for a split of corporate school taxes, but it is based on shareholding. In the case of a privately held corporation, it is simple; but it is extremely difficult in the case of a publicly held corporation.

Mr. Chairman: I am sure we will hear more about the problems that causes in funding when and if we ever get to that section.

Mr. Kirkwood: The next complementary amendment provides for a Roman Catholic school board at the secondary level to partake in the French-language advisory committee that would have been created previously under the Roman Catholic separate school board. In Bill 28, before it died on the order paper, there was a provision that Roman Catholic separate school boards could have French-language advisory committees. That was not provided before. There may have to be some adjustment to this complementary amendment depending on what happens in terms of French-language governance down the road.

The third complementary amendment deals with the potential of having a French-language panel of trustees on the Roman Catholic school board and a coterminous public board of education. I think Bill Mitchell would like to say a word or two about sections 277t and 277u.

Mr. Mitchell: Throughout the gestation of this piece of legislation we have worried considerably about the coming together of the two policies, this policy and the French-language governance policy. Over the past number of months, we have had to consider the points at which the two policies rub together and have tried to accommodate that as far as possible.

As Bill mentioned, this is one of the interfaces between those two policies. At one point, we were even concerned about whether some of these provisions should appear in this bill or in the French-language governance bill, and that was going to be determined by the timing of the passage of each of the respective bills.

With the recent developments in Bill 28, it is quite conceivable these provisions should simply stay in this bill until such time as we see what develops with respect to a new successor bill to Bill 28 in the fall, and until such time as we see the progression of this bill in terms of its passage in the context of the Court of Appeal opinion and the deliberations of this committee.

Mr. Chairman: These items may be changed dramatically depending on the circumstances of legislative progress. No questions? Great.

Mr. Kirkwood: The next section deals with Essex county and the French-language school. The reason this provision is in is that the provision for the French-language school in Essex county was done by a private bill. Therefore, we had to have a complementary amendment in this bill in case something happened so that French-language facility went over to the Roman Catholic school board. This is just an enabling provision to stop anything from

interfering unduly with that process if it were to occur.

Mr. Chairman: Mr. Cooke, do you have any questions?

Mr. D. S. Cooke: No, it is all political. It has nothing to do with legislation.

Mr. Chairman: Such is life among us, yes.

Mr. Kirkwood: The next subsection deals with the length of the life of the commission, which is 10 years. It would go out of existence in July 1995. Sections r to x, which deal with the commission, are repealed at that point.

As far as a runthrough of the bill goes, that is it.

Mr. Chairman: Do we have any questions by members on matters that we might have moved over too quickly, say maybe at the end of yesterday when people's eyes were a little glazed as a result of having so much information? Do you feel we have had a good, detailed initial run through the bill?

I would like to thank Mr. Mitchell and the other members of the staff for having come before us. I might make a request of you, sir. On Thursday morning the steering committee has asked me to consider the multitude of drafts that were before us and perhaps to give the committee members a chance to talk together about some of the various options as they were laid out in the various drafts of both regimes. If we are at that stage by Thursday morning, I would like very much if somebody from your staff could be here to assist us. We will also ask for legislative counsel to be in attendance as we go through that process.

Mr. Mitchell: We would be happy to attend.

Mr. Chairman: We will now move to an item on funding and ask Mr. Green, Mr. Bishop and Mr. Grootenboer to take the warmed-up seats.

Mr. Green: We have transparencies of some of our material. I think it would be convenient, particularly for the audience. While we have copies of the material for members of the committee and some additional, we would not have sufficient for everyone. Perhaps it is appropriate if we could set that up.

Mr. Chairman: Sure, Mr. Green. I do not know if Hansard got that. Did you? There is some difficulty with our mikes. We will now get our high-tech materials into place here.

Perhaps while we are waiting for this to be set up we will talk about a couple of other matters of procedure that were decided by the subcommittee this morning. I thought I had my notes with me, but of course I do not.

11:30 a.m.

The first item would be that we had sent out a request to try to get extra advertisements in and have opted not to proceed with that for reasons which I will be glad to go over with the member for Burlington South (Mr. Jackson) afterwards, and perhaps he could pass it on to the member for Mississauga South (Mrs. Marland).

It comes down to a problem of dates and deadlines and not wanting a multitude of dates on which people can make representations to us. I have a solution for making sure the people of Mississauga get as much notice about this as other parts of the province.

I will also be sending a memorandum to members of the Legislature about the areas we are proceeding to, asking them to be sure they contact any of their local groups, organizations and individuals who might be interested to give them the exact times we will be arriving and that sort of thing. That is to make sure everybody has a chance to appear before us.

At the moment, we are getting an uneven response. In some areas it is very high and in others we plan to go to it is very small. We want to make sure we have not left any stones unturned.

We will deal with the other matter of the subcommittee as we conclude today.

Mr. Green will start with the introduction of his two assistants and his presentation.

Mr. Green: On my left is Mr. Wayne Bishop, who is financial consultant in the education finance branch, and on my right is Mr. Theo Grootenboer, who is the education finance officer, capital, in the architectural services section.

We have provided a relatively condensed summary of our material. It may be that the committee will want more detail at a later time and we would be glad to provide it. In view of your time at the moment, we felt it was the overview that was being requested. We are prepared to back up the material to a considerable degree.

It has not been an easy exercise endeavouring to isolate the costs of extension of funding from the ongoing costs of operation in an indefinite future as the various boards negotiate and come to terms of agreement with one another. We have none the less attempted to do it.

In that process, we have been required to make a number of assumptions. I would like to begin with the assumptions that have prevailed in respect of operating expenditures. We have broken the presentation into two parts, operating

expenditures and the more thorny question of capital costs.

In the case of ordinary expenditures, our first assumption is based largely on the information of the planning and implementation commission, supplemented by our own resources. The total estimated enrolment in Roman Catholic separate schools—this is in the short run—for the school year 1985-86 has been taken from submissions filed with the planning and implementation commission for the following categories: projected grades 9 and 10 in the separate schools; the projected grade 11, which this year would be eligible for public funding; and the projected number of pupils transferring from the public secondary school system. "Transferring from" is an awkward phrase, but we have no other phrase if the option is to exist.

The second assumption we have made is that the public boards will not be able to extricate themselves completely from some costs involved in the shift of students, certainly not in the first year. Therefore, we intend to introduce a special provision in the general legislative grants to recognize the fact there will be noninstructional and perhaps some instructional costs in the secondary panels of boards of education that may not be immediately transferable to the separate school system in September 1985.

Examples of these costs are plant operation and maintenance costs—for example, the heating and lighting of schools go on regardless of the number of students moving over—and some nonteaching personnel and administrative expenditures not directly attributable to the number of pupils.

Those two are in the ordinary expenditures category.

In the extraordinary expenditures category we have three further assumptions. The first is that the increase in enrolment in the Roman Catholic separate schools will require some level of transportation for the first time, with no immediate decrease in transportation costs in the public secondary school system.

Next is that space will not be available in all Roman Catholic separate schools September 1985 and emergency accommodation will have to be made available, and we have made provision for the costs of portables.

Finally, some of the Roman Catholic separate schools will be able to lease vacant space from the public secondary school system. We have continued our leasing permission arrangements and have provided a place-holder for those sums.

The bill is on our third overhead. For the school year 1985-86, we anticipate the topping off of grades 9 and 10 will cost \$10.8 million. That is for the 45,240 pupils who will be enrolled in grades 9 and 10 and that sum represents the difference, now \$325 per pupil, between the ceiling expenditure permitted under the current elementary weighted grant factor and the ceiling expenditure permitted under the secondary school factor. That is 45,240 times \$325 each.

Mr. Epp: Could you give us the benefit of what the grants are right now?

Mr. Green: The secondary school weighted ceiling is \$3,275 and the elementary school weighted ceiling is \$2,948.

Mr. Bishop: It is \$2,396 times 1.23.

Mr. Green: The gap is approximately \$325.

Mr. D. S. Cooke: Is \$10.8 million the net cost? I assume there would be some savings in the public school system. If a grade 9 student transfers to the separate system, you would already have money in the public school transfers for that.

Mr. Green: There may be some, but in the assistance for enrolment shift we are talking about 6,202 students. The answer is that is net cost based on the status of the 45,240 who are there now. Our assumption is they are not going to change.

Mr. Bishop: Those students are already enrolled in the separate school system and they have been receiving only the weighted ceiling factor and they are going to be increased. That figure does not include any possible shift of enrolment from the secondary school system.

Mr. D. S. Cooke: There may be tradeoffs.

Mr. Green: There could be a saving from that.

Mr. Chairman: Let us finish with these figures and then go back and ask questions on them. That would be useful.

Mr. Green: The major cost is for the absorption of the 14,888 pupils anticipated to be in grade 11 of the separate schools next year. That cost is \$53.4 million; and that again is derived from applying the \$3,275 times the 14,888.

In successive years, although it is not on this sheet, we anticipate that in 1986-87 there will be an additional 10,000 students at grade 12 and in the following year an additional 5,000 students from grade 13. So there will be a total of approximately 30,000 students being absorbed over the three years.

In addition, and this may be the most speculative part but it is reasonably accurate, we have identified through the planning and implementation commission a potential transfer of 6,202 students from the public boards to the separate boards. Those are included in the previous two numbers, I believe. We have estimated the public boards will require some 30 per cent of their expenditures, one way or another, in that first year at any rate, to accommodate this. There would be a \$6.1-million bill for that.

Mr. Chairman: Will you explain what is behind that presumption?

Mr. Green: That goes back to the second assumption, which dealt with the fact that public boards, particularly given the uncertainty this year, will not be at a point in this first year of operation where they will be able to extricate themselves from overhead administrative costs, overhead secretarial costs, overhead heating, lighting and caretaking costs commensurate with their reduction in enrolment.

Mr. Chairman: How did you come up with the projected figure of 30 per cent?

11:40 a.m.

Mr. Green: Our rough assessment—and it has to be really rough—is that for most boards, or the provincial average at any rate in respect of instructional costs associated with students, the teacher salary costs are 72 per cent. We anticipate the teacher costs will be managed by the planning and implementation commission. We are much less certain about all the other costs being managed that way and have endeavoured to provide that those other costs that need to be carried are not a burden to the public boards in the process.

Next year, we anticipate extraordinary expenditures with respect to transportation. As earlier noted, we see an extension of the transportation, particularly in the separate school boards, with no corresponding reduction from the public school transportation patterns. We anticipate that will be an additional \$6.9 million.

We have provided \$2 million for portables. I believe that information was provided in the general overview at the beginning. Our assessed needs are 115 portables. I think the distribution was provided in the material Dr. Podrebarac put before you yesterday morning. I think there are 100 of those in the central Ontario region and some in the eastern and midnorthern, I believe.

We have provided \$2 million for that; and we have provided \$1 million for leasing between

boards—some of those are taking place—for a total of \$9.9 million. So we see the total cost of implementation, the operating costs in the first year, of \$80.2 million.

Mr. D. S. Cooke: The question that comes to mind is if it is \$80.2 million, how the blazes did we ever come up with \$40 million?

Mr. Green: There are two elements in that. One of them will not be a significant reduction. In the then Premier's costing statement, I am given to understand he inserted no compensating amounts for assistance for enrolment shifts, the third item we are talking about, which represents \$6.1 million.

Second, his calculations were based on the 1984 grant calculations and they provided for a ceiling of \$31.40 per pupil rather than \$32.75 per pupil, the 1985 grant calculations.

The enrolment costs the former Premier was using were calculated on the 1983 enrolment, which was somewhat smaller than the 1984 enrolment in the separate school system.

Those three elements are the only three elements I can anticipate.

I would add one other thing. It strikes me the former Premier's statement has been misinterpreted regularly. I am sorry to put it that way, but if you look at our note, in the succeeding years the estimated ordinary expenditure for the school years 1986-87 and 1987-88 are \$123.3 million in 1986-87 and \$154.5 million in 1987-88. The \$123.3 million includes the \$70 million and the \$154.5 million includes the \$123.3 million. I think in the then Premier's statement he was estimating \$40 million, \$40 million and \$40 million, to \$120 million total at the end of the piece.

We would anticipate a reduction. That is, the biggest costs will come in the first year on the operational side of the enterprise.

Mr. D. S. Cooke: Even with your explanation, with the lower grants and the projections on enrolment at that time, somebody multiplied wrong, because the figure has to have been much more than \$40 million at that time. Just the 14,888 students, forgetting the top-up of grades 9 and 10, brings us well over \$40 million now. It almost sounds like the Detroit Downtown People Mover.

The other question I have, which I guess is more appropriately put to the minister, is that one of the concerns in my area—not specifically my riding but my region—is that you see a lot of school buses out in the county now half full, or half empty. We are anticipating a net increase of \$6.9 million in transportation. In order to achieve

some cost savings, what efforts are being made to co-ordinate the busing so we do not have public school boards busing public school students and separate school boards doing the same thing? That does not seem to be provided for here.

Hon. Mr. Conway: It is certainly the government's intention to encourage as much co-operation and sharing at this level as in all other areas of this particular initiative. Perhaps Mr. Green could speak about some of the particulars of the transportation budget.

Mr. Green: It would only be by way of amplifying the minister's statement.

I would like to underline something, departing from the strictly financial role for a moment. Both boards and the Ministry of Education, indeed the government itself, are concerned with students and with providing the best education possible. We have had a tradition of two systems operating, one complete and one incomplete. We have elected boards to look after each of those systems. My assumption is that both those boards put the consideration of students first and foremost.

For some years, the fact that one was a "first-class" and the other a "second-class system"—I do not mean with respect to quality, but in the range of program offerings, size or scale and limitation on funding—has created a difficulty for the two sitting down and working out equitable arrangements for students. There has always been a sense that one board is advantaged and one is not.

The circumstances in which we now find ourselves involve an endeavour to put both boards on an equal footing where I think they will be able to come to the table and address these questions far more equitably and responsibly. I do not know whether it has been directly addressed by many boards yet, but I would anticipate one fallout of this would be a far better rationalization of transportation systems as a result of the boards being pushed to work together to a much greater degree to solve even more difficult issues. That is the best I can do in terms of an answer.

Hon. Mr. Conway: I would add, Mr. Cooke, we have some very good arrangements already in place in some parts of the province. My own county, where there is a considerable transportation bill, is one. Of necessity the two boards have had to work co-operatively together. I reiterate that it is going to be the view of this minister and government that there must be a high degree of co-operation and sharing so these costs are kept

under control while good quality service is afforded.

Mr. D. S. Cooke: Would there not be the possibility, though, of a policy statement or an attachment to the grant structure related to transportation? You seem to have had an awful lot of faith in local school boards both yesterday and today. The fact of the matter is that local school boards tend to protect their own turf, as do other groups. I have not seen that kind of co-operation in many areas of the province in busing at the elementary level.

Perhaps there should be more than just encouragement and faith in the school boards, some kind of mandate, something attached to the grant regulations that says to the boards they have to work together and come up with the cheapest transportation system before they are eligible for transportation grants.

Hon. Mr. Conway: I just reiterate that it is my view there can and must be a significant degree of co-operation. I am heartened by some of what I see developing. I think Mr. Green's point is a good one. We now have a situation in public policy which provides for two publicly funded systems. In its own way, I expect that will encourage sharing, as will the taxpayer, quite frankly.

Mr. D. S. Cooke: I do not want to belabour it, but the point is the \$6.9 million is additional money with no budget for decrease in transportation costs to the public school boards. So there is no anticipation of any great degree of co-operation. This is brand new money.

Mr. Green: We are currently reviewing our transportation regulations. I do not know whether that specific topic has been brought to the table, but it certainly can be.

11:50 a.m.

Mr. Jackson: Just to build on Mr. Cooke's statement, I can attest from my own personal experience as a trustee with a school board that we sat down on three occasions specifically to talk about reducing transportation costs in our board. On all three occasions we were unable to achieve any linkages at all. I agree that the minister has a lot of faith in the process, but I still feel there should be examination of having something that is tied to the regulations. The grant regulations on transportation are almost as complicated because of the geographical considerations as are the per pupil grants.

Also, I would like to ask the minister, if he is convinced about creating an environment of co-operation, why did he not consider allowing,

for example, a framework for consolidated school boards as an option which would help build towards this kind of merging of costs so that educational costs are directed to the student? Transportation is not really an academic benefit. It is only a process in delivering the child to the school. It does not net the same kind of benefits as teaching and other types of educational services.

Mr. Chairman: That was more on the regulations, which have been dealt with; and it was also more of a comment than anything wanting an answer, or would you like a comment from Mr. Green on that?

Mr. Jackson: I am satisfied with the regulations approach, and I am pleased that we will consider that again. I would like the minister to comment on that consolidated option. Here is a case where it would help.

Hon. Mr. Conway: First, we will monitor the transportation account very carefully. I do not want anyone to get any wrong impression that the ministry or the minister is going to be very pleased with a substantially increased transportation bill. For the first year, some of this additional transportation is going to be required to ensure that in some cases we use current plant. That is an important consideration.

On the other point, Mr. Jackson, there is nothing in this bill which would preclude the kind of co-operative arrangement you would like to see with the consolidated model, but it is important that we allow that to develop in its own way, at least in the first instance. To be honest about this, my worry, in terms of putting the consolidated school board concept front and centre at the very outset, is that it may create an environment where the very co-operation we want is not possible because of misunderstanding at the local level.

I would like to see that develop. In some cases it is heading in that direction now. I am worried about creating a false impression that somehow Queen's Park has in its mind some highly centralized model that is not going to go down very well in some of the communities that are on their way to doing those very kinds of co-operative things we would like to see done.

There is nothing in this legislation that would preclude the kind of co-operation we would like to see on the transportation account and a host of other accounts. If it is not forthcoming, for whatever reason, then obviously a responsible government would have to look at other options.

Mr. Timbrell: To pick up on that, it has been a concern of mine for quite some time, going

back to some of the earlier stages of the preparation of this bill when we were the government. I am aware of some examples, and I hope there are many more of which I am not aware, where local Roman Catholic and public boards are co-operating very well. I am told that in Middlesex county the two boards share a fleet of buses; there are not two sets of buses travelling the same concessions. In Kingston the public and separate school boards have for years done all of their purchasing together, to bring the maximum benefit to their respective taxpayers—to all taxpayers as far as provincial cuts are concerned—for the purchase of materials and perhaps services. I am not sure how far that co-operation goes.

Even in those cases where the coterminous boards are co-operating, there are many other areas where one could think of greater co-operation, whether it be with respect to outdoor education properties, maintenance of properties, computers, payroll, all of which are nonsectarian, nondenominational matters.

I think back to my own experience as a minister in the social field when I was Minister of Health. In fact, the current Minister of Education was my critic for most of that time. He will recall that as much faith as I might have wanted to put in public hospital boards that they would do the right thing—in Pembroke, for example—to co-operate in all ways possible, it often called for some ministerial courage and government direction to ensure there was the maximum possible level of co-operation and co-ordination so as to maximize the benefit to all taxpayers. In this case we want to ensure that as many of the dollars allocated for education as possible end up in the classroom, not in the duplication of administrative and support services.

Quite frankly, I understand the minister's faith. I perhaps read into it a little concern as a politician for the implications of being more forceful, more direct, more directive with respect to the co-ordination and co-operation of school boards. However, I submit to you that, if not now before very long, with two publicly funded systems the taxpayers will insist that you do it. This is not to suggest at all that the tenets or the purposes of either of the systems would be in danger. That is not the issue. The issue is how to get the most out of the taxpayers' dollars which are now going to fund two systems.

Mr. Chairman: I think the point has been taken, from what I can gather.

Mr. Allen: I just wanted a fairly straightforward breakdown on an item under ordinary

expenditures, assistance for enrolment shift. I gather that is comprised of two elements. Am I wrong? On the one hand, there is the assistance to public boards for coping with the remaining costs that still hang on after the loss of students; and on the other hand, there is the cost of the grants for these pupils who do transfer to the separate system from the public system in grade 11. Is that right or is there only the one?

Mr. Bishop: That \$6.1 million is in there just as a protection to the public school board as a result of the loss of enrolment for costs it cannot transfer. The actual enrolment shift from one board to another is a netted figure. It does not show here because it would be a reduction in one board and an increase in another. It would be a net zero cost.

Mr. Allen: So you have not included it for that reason.

Mr. Bishop: That is right.

Mr. Reycraft: Mr. Timbrell has already referred to the co-operation that goes on in Middlesex between the separate and public boards. That is very true. Students going to the public elementary, separate elementary and the secondary school all ride the same school buses. There is very little duplication.

However, it is my observation that it is very unlikely there will be a separate secondary school in the county and therefore students who wish to attend a separate secondary school will very likely be travelling a considerable distance to London to do so. Given that scenario, it seems to me it is going to be rather difficult to provide for any further co-operation due to times, etc. I just wanted to point that out.

Mr. Chairman: There will be additional costs even in an area where there is already great co-operation.

Mr. Reycraft: Primarily because of the distance the students going to the separate secondary school will have to travel.

Mr. Chairman: That is a good point. There is nobody else on my list at the moment. Shall we move along?

Mr. D. S. Cooke: Just a brief question. Do you have any projected amounts of how much of this money is going to go to teachers who are in the system but are not picked up by either of the boards, redundant teachers?

Mr. Green: We do not and we will not until the September fall-out.

Mr. D. S. Cooke: That is built into this, I take it.

Mr. Green: Yes.

Mr. Chairman: Shall we proceed?

12 noon

Mr. Green: We move to capital costs, and this is perhaps even a little more difficult. Our first overhead deals with the short run, for this forthcoming year 1985, and picks up the material in the extraordinary expenditures from the previous year. In the short term, the capital costs this year will be met by the provision of the 115 portable classrooms. The estimated cost for that is \$2 million. We have left the existing procedures in place respecting the lease of facilities between boards up to June 1986 to encourage board-to-board leases in the short term. The estimated cost of that is \$1 million.

Mr. Chairman: Are there any questions from members on the estimations on portables or on leasing? No; go ahead.

Mr. Green: Before dealing with the needs of separate school boards in the long term, it is necessary to make a number of assumptions, bearing in mind that the assumptions are based on the best information available. The separate school boards will be requested by the planning and implementation commission for information on September 1986 and beyond for their accommodation requirements.

It is expected this information will be available to the ministry by the end of 1985. This will include information on the availability of private secondary Catholic facilities, the question which I understand has already emerged this morning.

Mr. Chairman: Are you saying you may have difficulty getting that information now?

Mr. Green: As I understand it, we will be obtaining information about the private secondary Catholic facilities. You will note that the comment includes information on the availability of that. That would undoubtedly be refined.

Mr. Chairman: Thank you.

Mr. Green: The assumptions then are as follows: First, the enrolment projections are based on plans submitted by the school boards to the planning and implementation commission and reflect the enrolment of September 1987, when full extension will be effective.

Second, the efficient use of existing facilities will be undertaken by the provisions in the legislation for the purchase of service, transfers and leasing.

Third, existing schools, including private schools which may be acquired, will require some renovations, additions or alterations.

Mr. Chairman: I have a question from Mr. Smith before we proceed.

Mr. D. W. Smith: This comes up again here. I suppose we have asked the same question before. You refer to "existing schools, including private schools which may be acquired." Who are they going to be acquired from; or who will they or could they be acquired by?

Mr. Green: As I would understand it, there would be two main agencies in that connection. There will be the various archdioceses and there will be the various religious orders. As I understand it, those are the two main owners, if you wish, of existing facilities. I stand to be corrected on that.

Mr. Chairman: Anything further, Mr. Smith?

Mr. D. W. Smith: Not right now.

Mr. Green: The projected September 1987 enrolment has had full extension for the separate secondary schools and is 111,820. That is based on information from the planning and implementation commission. It is made up of pupils currently accommodated in grades 9 and 10, 45,240; private school students, 30,000; and students transferred from boards of education, 36,580.

Lest the last figure should seem disproportionate, we have taken into account that there may be en bloc transfers of francophone schools under this legislation. That would include that significant and sizeable group.

Our next figures are based on some experience with the creation of entities or French-language instructional units; schools within schools, if you like. They provide for some \$36,580,000 at \$1,000 per student, and some \$30 million for students coming in from the private schools, which would be a total of \$66,580,000. Note that these expenditures would be phased in, I am carefully saying, over a period of years, beginning in 1986.

Mr. Chairman: A couple of things come to mind. The first set of figures talked about the transfers from the boards, besides those en bloc numbers you are talking about, increasing. Have the kids who are in grades 7 and 8 in the Catholic public school junior level and will not be moving into the high school system, as they would have done in the past, been included in the 36,000?

Mr. Bishop: They are included in that figure, based on retention rates that have been increased over the past several years and have been factored into that figure.

Mr. Chairman: Are you pretty well convinced those figures are going to reflect the change accurately? We received the statistics about the quite substantial drop, from 30 per cent to 15 per cent from 8 to 9 as it exists at present, but this obviously changes everything in terms of enabling those children to go through the secondary system.

Mr. Bishop: Based on the best information we have available, which has been obtained through the planning and implementation commission, that is our best figure. It will become firmer as this September falls in place and we see what happens in the next school year.

Mr. Timbrell: I want to go back to the operating costs. When will the school boards receive the amended general legislative grant regulations so they know the exact basis on which they will be operating? In relation to that question, will any board that had already struck its budget before the introduction of the legislation be operating on substantially less money in carrying forward this program? Have you identified problem boards you are going to have to monitor?

Mr. Green: In connection with the first question, the GLGs will be sent out early; we anticipate it will be next month.

Mr. Timbrell: Early next month.

Mr. Green: Or very early in the fall.

Mr. Timbrell: The fall does not start until October; that is a long way from the first of August. When do you expect them to get the amended GLGs?

Mr. Green: The GLG draft is in preparation now with its amendments. We were hung up a little awaiting presentation of legislation to the House.

Mr. Chairman: I presume the regulations could be available to the committee, or are they enormous documents as well?

Mr. Green: Yes; the general legislative grant regulation is large and relatively closely printed. We will be proceeding by way of amendment to that regulation.

Mr. Timbrell: Having read the GLG regulations before, will you provide an interpreter?

Hon. Mr. Conway: When the new regulations are ready, the ministry finance people will be more than happy to share them with you.

Mr. Chairman: It might be better if we have a translation instead, if possible in language we might understand.

Mr. Bishop: Once the final amendments have been agreed to and reflect the legislation and the funding of the separate school system, we will be able to make available to you a copy of the regulation and overheads that will explain the changes. That will be much easier to read than the regulation itself.

Mr. Green: Your other question was whether any boards will be significantly disadvantaged. I cannot answer that honestly as I do not have a good picture of that. I do not know whether Mr. Bishop can.

Mr. Bishop: In the release of the 1985 regulation to the school boards and the estimate forms they had to fill in for the ministry, it was assumed they would have taken into consideration some possibility of this extension going through with the commitments that had been made and would have made some adjustments to accommodate the type of information requested.
12:10 p.m.

Mr. Timbrell: I have one last related question, Mr. Bishop. In answering questions with respect to protecting the quality of the existing public school system, you were quoted in the press about two weeks ago as saying a fund of \$6 million had been set aside to ensure its viability. I take it that is the \$6 million alluded to in the calculations this morning.

In the event the public school system in any jurisdiction is in any way not able to maintain the range of programs to the viability and quality of what now exists, what contingency options do you have available to recommend to the minister so we are able to say to our constituents and to all concerned that the public school system will not lose?

Mr. Bishop: I would like to start by saying there are comments attributed to me in that article which were not made by me.

Mr. Chairman: I find that hard to believe.

Mr. Timbrell: I am only quoting one part.

Mr. Bishop: I understand what you are quoting from the paper.

Mr. Chairman: I have never noticed that difficulty with the press myself.

Mr. Timbrell: Oh, really?

Mr. Bishop: The minister has made a commitment, and we will endeavour to reflect that commitment in the amount of money shown here, the \$6.1 million. It may go both ways. It may have to go down and it may go up, depending on the actual numbers of students who

transfer, which we will not know until after the September reports are filed with the minister.

If the numbers of students are down from the the number that is being quoted, 6,200 or 6,300, the \$6 million will be adjusted to reflect that. Also, if the numbers of students are in excess of that, the figure will be adjusted upwards.

Mr. Timbrell: Do I understand it that you understand your instructions from the minister to be that whatever it takes to maintain the viability of a public school board's program it will have to be put in place?

Mr. Chairman: You would want to pose that to the minister directly rather than putting it to Mr. Bishop.

Hon. Mr. Conway: It is only fair that the question be answered by the minister. I appreciate the member's concern, which he raised in the debate on second reading of the bill.

The policy context for the completion is that it be done within an environment that protects the viability of public education. The legislation is replete with references to that. Completion of public support for the last grades of the Roman Catholic separate system is to be done only within the context of a strong public education system. Those are the instructions on which the planning and implementation commission has been operating, and those are the judgements the minister and the government have to apply.

I can only give you my undertaking and that of the government that we will do all that is necessary to ensure the viability of the public education system is protected.

Mr. Timbrell: Given the fact this fund is in essence an average amount of money per pupil transferred, and given every board's program will vary according to demographics, geography and a host of things, I take it where there are localized problems in a given board and it requires more than the average to help maintain the viability and quality of its program it is your intention to see it is done.

Hon. Mr. Conway: A number of options are available. If there is some serious concern about the implementation of the completion, that is a judgement that will have to be made. If there is recognition that additional funds are required because, as Mr. Bishop indicated, there were greater than anticipated costs, particularly in the noninstructional area, in my view that would obviously have to be considered.

At present, it is difficult for me to deal with a series of hypothetical considerations except to say it is the commitment of this minister and this

government that the completion will take place within the context of protecting the viability of public education.

Mr. D. S. Cooke: You answer questions as though you have been governing for 42 years.

Mr. Chairman: Being in the chair, I will make no comment at all.

Mr. Timbrell: I do not need to say any more.

Mr. Chairman: I will ask Mr. Smith to pose his question.

Mr. D. W. Smith: I believe there are 54 separate school boards in the province. Do these figures assume that all these boards will come under a public board within three years? I think right now there are some separate school boards that do not have any public funding at all. Do these figures assume that everybody will come under the system by 1987, or is there a possibility some of these 54 school boards will not even come into the publicly funded system?

Mr. Green: First, our figures are based on planning and implementation commission figures, so it is my understanding not all will come in. Mr. Grootenboer has some additional information on that.

Mr. Grootenboer: My understanding of this figure is that the 111,000 represents the number of kids who have been identified who will be transferred. It does not include all those 54 boards; I think it includes 39 boards that have indicated their intent to implement to this date.

Mr. D. W. Smith: So there are another 15 school boards that could come into the system, but there have been no figures given for their students within these figures?

Mr. Green: That is correct.

Mr. D. W. Smith: So they could be an awful lot higher than what we are talking about today?

Mr. Green: No, I do not think they would be an awful lot higher.

Hon. Mr. Conway: I think the boards not considered in this calculation are isolated boards or small boards with relatively small enrolments.

Mr. Chairman: The other factor probably is that this year's budget cannot be affected; but you are right that next year it could start to have an effect, only limited by what the minister has just said.

Hon. Mr. Conway: Perhaps Mr. Green and Mr. Bishop would care to comment, but it is my belief the boards not now exercising their right for completion do not represent a substantial student population.

Mr. Bishop: That is right. The major separate school boards have already made the commitment to move to extension, and our figures do include those. Those that have not made the commitment are very small, northern boards that will not have much effect on these figures. The difference possibly could be in the protection we may have to provide for those boards in any shifts in enrolment for them.

The greatest part of this cost, of course, is to bring in the additional 30,000 students who are not currently being funded by the province, who are in the private school system. That is where the greatest part of this cost will come in.

Mr. D. W. Smith: Have you any idea, if these other 15 school boards were to come into the system, how many dollars we might be talking about? Have you any background information on that?

Mr. Bishop: Not at this moment, no.

Hon. Mr. Conway: Perhaps we could supply a list of the boards and their populations. It is my memory that it is not a large student population.

Mr. Green: If I remember correctly, that was requested the first day, Mr. Chairman, and is on its way to you if not already received.

Mr. Jackson: I want to go back to the questions Mr. Timbrell raised about the phase-down costs for the public system and the minister's comments about protecting its viability.

We are all painfully aware declining enrolment has had a negative effect on program, and it is generally accepted this process will be accelerated by the process of transferring students. Am I to interpret the minister's comments that protecting the viability of the public school system will not necessarily be tied solely to the number of students transferred but that indeed you are directing and encouraging the committee to look at the area of programs that are being lost to boards and what costs can be attributed to saving specific programs, which are not in all cases tied to enrolment?

12:20 p.m.

Hon. Mr. Conway: I would like to answer that by noting a couple of things. First, in fundamental policy considerations, the bill talks about the two issues of completion and the best interests of public education. To me at least, that practically means there must be a very great emphasis on purchase-of-service arrangements where, for example, a technical program is almost certainly extant within the public panel

and it is quite obvious it would be difficult and expensive to duplicate that.

It seems to me what we want to see is a series of arrangements that would take into account and involve purchase-of-service arrangements so that a separate board with that option would exercise it in favour of buying the service or the educational program from a coterminous public board. In that way the separate system could function with a good mandate but in a way that would not affect a very important program that was established in the public panel.

Those kinds of arrangements are going to be essential to accommodate the two objectives of allowing completion while at the same time protecting the viability of program and other things in the public system.

Mr. Jackson: Are you suggesting the public board should go afield to attract Catholic students to save programs?

Hon. Mr. Conway: No, but I am saying that in the world of Mr. Timbrell's description, with declining enrolments and programs that in some cases are undersubscribed in one system with no regard to the development of a second system, it seems to me that there has to be a working out of a purchase-of-service arrangement whereby the separate board would offer technical education programs, for example, by buying that service from the neighbouring or coterminous public board. Those kinds of arrangements are absolutely essential to accommodate both objectives.

The other point I should make, and reiterate as strongly as possible with respect to considerations of space, is that I fully expect there will be a maximizing of the current physical capacity.

Mr. Jackson: Then I just serve notice that in the context of where those agreements cannot be met, I fully intend to ask questions in communities where programs are being abandoned and specific arrangements cannot be made to provide those programs for students. Clearly, just tying the phase-down cost to the number of transferring pupils will not save those programs. I would like to look at that area with respect to phase-down, which may bring it well above that figure of \$6 million.

Hon. Mr. Conway: The point as well, Mr. Jackson, is that we have to see just what develops in many of these situations in communities. It is going to depend on the rate of uptake, how many people transfer, the availability of space and programs and those kinds of situations.

The planning and implementation commission can speak to some of that this afternoon. However, with regard to the viability of the

public system, it is absolutely central to this question to have these kinds of arrangements regarding use of space within the public system, use of program and purchase-of-service agreements as between the two boards, with separate school boards in many cases in the first and perhaps later instances buying the service from the public board.

We have situations now where it is not uncommon that many public boards buy French-language education from neighbouring or coterminous separate school boards. That kind of arrangement, which involves use of current facilities and support for current programs where the numbers clearly may not be there for a duplication, has to be there, and in some cases, quite frankly, insisted upon.

Mr. Chairman: As the minister says, we should start asking these kinds of questions of the Newnham commission if we get to them this afternoon. Having only five minutes to the point where we would normally adjourn, and there not being much more to be dealt with at the moment under funding, I would ask the final questioners to be as brief as possible.

Mr. Allen: I have a question with respect to the assistance for the enrolment shifts under the 1985-86 year. Regarding those costs you associate with public boards which remain after students have departed for the separate system, do you project them to decrease year by year? Have you developed a phase-out formula that would give us some sense of that?

Mr. Green: We do not anticipate that. Provided the measures in the legislation proceed we would anticipate they would phase out. There are two or three reasons for that. First, there will be a fuller use of facilities, which should reduce total costs. Second, the legislation as proposed should deal with the majority of staff that are displaced as a result of this process; so there should be a transfer cost, but it is hard for us to assess whether that is going to come down.

For example, if we include the en bloc transfer of French-language schools, there should be little by way of overhead remaining to a public board that operated that school before when that school has moved right over. That is why it is difficult to operate the \$6.1 million on either an inflation factor or a deflation factor. Our best indication of that will probably begin to come in November when we get the combination of the specifics of this year and the detailed plans of the separate school boards with respect to the future, both of program and capital accommodation.

Mr. D. S. Cooke: I asked this question this morning and I was told I should ask you. It is with regard to transferring property and then potentially retransferring it back to the public board at some point in the future.

When a school that has been transferred to the separate school board eventually closes, possibly because of declining enrolment or whatever, and is retransferred back to the public school board perhaps for disposal, what are the financial implications for the public board and, more important, the public and separate ratepayers?

As I see it, the public board would gain financially, but both the public and separate ratepayers under the present system have contributed to the financing of that school.

Mr. Green: My assumption would be that the terms of such arrangements would be worked out at the time. If the case could be made for the extent to which each of the separate sets of ratepayers had contributed to the fabric of the school and to the land, presumably the proportional proceeds would be attributed any one of the three ways. It would depend too on whether the ministry had a stake in that building as well. Conceivably, we could recover money, the public board could recover money, and if the extent to which separate ratepayers had contributed to that building could be established they would recover money.

Mr. D. S. Cooke: What you are saying is that this would have to be negotiated. The legislation provides for a retransferring back to the public board, but it does not say anything about how the distribution of that financial gain would take place. I cannot imagine a group of public school trustees saying, "We are voluntarily going to give the separate school board some of this money because their ratepayers, many years ago, helped to contribute to the cost of the school."

Mr. Green: That is correct. I cannot pursue it any farther than I have.

Mr. D. S. Cooke: Right now, as I understand it, if a school board sells a school, the majority of that money stays in the system. Is that correct? It used to go back to the ministry, but that was changed in the mid- or late 1970s. This is a concern that separate school ratepayers have. They want to be able to get some of their money back too.

Mr. Green: Mr. Grootenboer can tell you.

Mr. D. S. Cooke: Fine.

12:30 p.m.

Mr. Grootenboer: The policy in the mid- or late 1970s was to encourage school boards to sell

properties from one to the other. At that time we had the concept of what we call waiving the negative grant, leaving the money with the school board where the asset was, to encourage such sales. We were successful with that in a number of cases.

With the policy we have before us now, the number of transfers that will be occurring will be such that the province cannot afford to pay for these buildings twice; so the transfer arrangement will go at a nominal fee. I am not sure what the process will be if it should be transferred back. We have not really considered that in our deliberations up to this point, but I would expect we would come up with an equitable solution.

Mr. Chairman: What we would probably like to see from you, as you do deliberate on it, would be some suggestions about the problem that has been raised this morning.

Mr. Grootenboer: We may consider reinstituting the negative grant at that stage, and that would be an equitable approach.

Mr. D. S. Cooke: In all likelihood none of us will be here by then.

Mr. Chairman: I am not absolutely sure of that. We may still be hearing depositions by then.

Mr. D. S. Cooke: We still might be here on the bill, you are right.

Mr. Chairman: If there are no other major questions on funding, I will not notice the time but ask you to conclude the last slide section, and then we can move right on to the Newnham commission this afternoon.

Mr. Green: In respect of new school facilities, it will be impossible to determine until the commission has examined plans from the board this fall whether any new schools will be required. In growth areas some new schools will emerge. That was "may emerge," but they will emerge. We hope they will emerge as a result of a joint planning process undertaken by the boards, and that process could produce the building of either separate facilities or shared facilities. We have examples of shared facilities that are being built now. Market Lane in Toronto, for example, was built as a shared facility and there is flexible room there. These would be accommodated within the regular capital allocation. Our regular capital allocation is intended to provide for growth areas.

Other situations may emerge from the commission's examination, but we will not have any knowledge of those until the commission has examined the plans and impact statements,

which this year will include a projection of capital needs.

I go back to a strong emphasis on the assumption that efficient use will be made of existing space, and we will be—I think we are in tune with the planning and implementation commission on this—encouraging arrangements such as sharing and leasing to minimize the capital impact of this.

Mr. Chairman: Thank you, Mr. Green. If there are no other questions, thank you very much for the time you have taken. I presume you will be around and about should we need to get in touch with you again for any further detailed information?

Mr. Green: Yes, sir.

The committee recessed at 12:33 p.m.

CONTENTS

Wednesday, July 17, 1985

| | |
|---|------|
| Education Amendment Act, Bill 30, Mr. Conway, recessed | S-59 |
| Recess | S-82 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Conway, Hon. S. G., Minister of Education (Renfrew North L)
 Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
 Davis, W. C. (Scarborough Centre PC)
 Epp, H. A. (Waterloo North L)
 Guindon, L. B. (Cornwall PC)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Reycraft, D. R. (Middlesex L)
 Smith, D. W. (Lambton L)
 Timbrell, D. R. (Don Mills PC)

From the Ministry of Education:

Bishop, W. E., Financial Consultant, Education Finance Section
 Church, A., Legislation Officer, Legislation Branch
 Copeland, R. A., Director, Legal Services-Education
 Green, D., Assistant Deputy Minister, Education Programs Division
 Grootenboer, T., Education Finance Officer-Capital, Architectural Services Section
 Kirkwood, W. T., Education Officer, Legislation Branch
 Mitchell, W. T., Director, Legislation Branch

27N
12
77



Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament

Wednesday, July 17, 1985

Afternoon Sitting

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, July 17, 1985

The committee resumed at 2:07 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the committee to order, since I see a quorum. This afternoon, since we are on schedule, surprisingly, we will be hearing from the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario. I believe Mr. Newnham, who will now introduce the others with him, plans to present to us a 20-minute presentation, and then we can get into questions and answers after that, if that is all right with committee members.

COMMISSION FOR PLANNING AND IMPLEMENTING CHANGE IN THE GOVERNANCE AND ADMINISTRATION OF SECONDARY EDUCATION IN ONTARIO

Mr. Newnham: On my right is Mr. Ed Nelligan, the vice-chairman of the commission. On my left is Mr. Bob Thomas, the executive director of the commission. On Mr. Nelligan's right is Mr. Bob Saunders, who is the extremely valuable education officer in the commission office. Behind me, in the back row, is Mr. Frank Gilhooly, who is a member of the commission, and Mr. Bill Jones. There may be one or two more commissioners coming to help us as we go along.

Thank you for the opportunity to be here; we appreciate this. It is just nine days short of one year since the commission was established by order in council in the House, and our work started the day following that. We appreciate the opportunity to use transparencies to demonstrate something of the mandate given us and the approach we have taken, as well as the results that have been achieved to date.

Forty Roman Catholic separate school boards have submitted plans, and recommendations for approval have been sent to the Minister of Education for 38 of them. We are finalizing a paper with recommendations on the future of separate school boundaries. We have also sent

advice to the minister on a variety of issues that arise out of the extension.

We will skip the next two transparencies because they tell about the people on the commission and I think we are probably reasonably well known.

The tasks assigned to the commission are listed here. Essentially they are to supervise the extension one grade at a time, although there may be instances in which circumstances would result in a recommendation for, say, two years, perhaps grades 9 and 10. The maintenance of a viable public secondary education system is very high on our list of attention items.

Third, we are dealing with teachers and other employees. This has been our policy right from the beginning. Teachers were mentioned in the statement but, of course, it has been accepted that it applies to everyone who works in support of learning in secondary schools. Right from the beginning, we have been promoting the sharing of facilities, finding solutions to classroom and laboratory needs which will ensure that the existing stock of capital facilities is used as well as possible, and ensuring that the Roman Catholic school boards offer a full secondary program.

This last item slides off the tongue quite easily. We feel it is extremely important that it not be passed over too quickly. If the Catholic boards are not able to offer a full program, it will redound not only to the disadvantage of the separate school students, in our opinion—which I think reflects our bias and mine in particular, since I was at one time principal of a composite school—but it also in time would redound to the disadvantage of the boards of education. The separate system then would be looked upon as the élite, because it dealt only with the academic in some places, and in some people's minds the board of education program would suffer in comparison.

The commission felt it had to reach out to the Ontario community; we had to tell people what we were doing. We published a brochure back in the fall called, *Funding for Roman Catholic Secondary Schools: How it Will be Done*. We issued nearly 200,000 of them. We had a best-seller on our hands. We held 18 days of public hearings in eight cities across the prov-

ince. We received 212 briefs. We have made 109 speeches—and that number since this transparency was cut has gone to 122. We have had regular coverage in the media—papers, television and so on—and we have issued two newsletters which we feel serve a valuable purpose.

The policy statement by the former Premier on June 12, 1984, stated that the separate school boards would be permitted to establish a full range of secondary programs. How do you take a statement like that and translate it into reality?

We decided, first of all, that the basic principle would be local decision-making. We could sit in our wisdom at Bay and Bloor, but much better it be done locally to as great an extent as possible. We felt there would be a lot of local co-operation, and there has been. Local sharing of information and ongoing consultation should be started and should be ongoing for the sake of the learning of the students we are talking about.

The process is worthy of a minute. The separate school boards were given the forms on which their plans would be returned, and essentially it is a five-year plan they are developing. This had to be shared with the public board. The public board was asked to prepare an impact statement, again on the forms provided. This was to be shared with the separate school board. The discussions would address needs for accommodation, the necessary purchase of services, transfers of staff and all the myriad things that come up. The forms submitted to us would enable us to make a recommendation to the minister that we could be pleased to put our name to.

The basic issues are: first, ensuring the viability of the public secondary schools; second, monitoring the implementation with regard to program, staffing transfers, student access, co-operation of the local boards or in some cases the lack of it, although there are many instances where there is good co-operation; and third, considering the accommodation needs because of the foolishness of not using space that is already there where it is available. The regional offices have been of assistance and should be mentioned.

This one is slightly harder to see. We are talking here about communities in Ontario with one secondary school, and I believe there are more than 170 of these. It is extremely important that, whatever the language mix, the public secondary system remain viable. Second, we meet the objectives of Roman Catholic parents for secondary schooling to be extended beyond grade 10 or beyond grade 8 if they had not

previously gone beyond grade 8. If the transportation is feasible and the impact is minimal, there is not a problem, of course. If there is a drain on enrolment which is going to threaten the number of options offered or the viability of the school, then there is a problem.

Part of our dilemma is not balancing the wishes of the Roman Catholic separate school boards and the viability of the public secondary school, it is the impact of the decision upon the opportunity available for young people in the secondary schools. In many places in Ontario there is going to have to be co-operation between the two systems in the offering of these options.

The personnel policy of the commission is one that has been publicized quite a bit and is worthy of mention. The number of positions that may be equated to the transfer of students from the public system to the separate system, teaching positions and other positions, is clearly the responsibility of the separate school board. I am able to state that, without exception, each separate school board in Ontario has accepted that responsibility. The question is how do you identify these numbers? The process that has been used is by determining the number of students to be transferred and dividing by the pupil-teacher ratio of the board of education. That establishes the number.

Where a teacher is moving from a board of education to a separate board, the commission's criteria have required that the salary that teacher would receive with the separate board in September 1985 would be the salary that teacher would have received had he or she stayed with the board of education. The seniority is calculated by different boards in different ways, we discover, and the seniority the teacher would take with him or her would be the seniority that would have been enjoyed had he or she stayed. They continue to accumulate seniority from that date on.

The salary may result, as you discussed yesterday in your meeting, in red circling, although it would appear that if there is a difference in that the separate board is lower than the public board, the various federations are taking steps to see that the differences are levelled out as soon as possible, as we saw from the press.

2:20 p.m.

Many questions have been asked about the requirement the separate boards would place upon the teachers coming across. The commission has taken the position that for teachers in the public boards, section 235 applies, and that this

should apply for the separate boards as well. I would like to read you part of one letter that I think will answer some questions that might arise. It states:

"Further to our recent telephone conversation, I wish to confirm in writing the board's position on the transfer of personnel. As expected by the commission, all displaced teachers, Catholic or non-Catholic, when engaged by the board, will adhere to the requirements outlined in section 235 of the Education Act and no additional requirements will be imposed. The spirit of these requirements also applies to nonteaching staff. Yours truly."

In this case it is a director of education of a separate board in northern Ontario. That has been replicated in each instance where a plan has been recommended to Mr. Conway.

The commission's view on non-Roman Catholic students being accepted in separate schools is this: first, there should be accommodation. We do not see that as a large problem in most instances. I know of at least one separate school that cannot add another portable in its yard because it has gone beyond the bylaw of the city already. Accommodation, in general, can be provided, it is expected.

The non-Roman Catholic pupil who attends for distance reasons, geographic reasons, may be excused religious education on application of the parent and, of course, would not be expected to take the sacraments. Where the student is there to get a program he perhaps cannot get otherwise, the same obtains. If the individual is there from choice, that student may be excused by the school from taking religious education. Indeed, several boards—I do not have the exact number—have indicated they will not make that a requirement.

Before we could recommend to the minister a separate school plan, we had to be satisfied there would be accommodation available. We were very anxious that in the first year things be done as smoothly as possible in the communities. There was no question of considering transfers of schools or anything like that because it was not required. Each of the plans to this point has accommodation resolved.

There are no capital funds available for new construction except where new pupil spaces would have been provided by the ministry anyway. Sharing and co-operation have been encouraged extensively and we have played down the possibility of third-party interventions. We really feel that in almost all cases—we hope in all, maybe there is a degree of naïveté in

this—there will be co-operation because of the essential rationality of people. We have been delighted in many instances by the way this has developed over the past year; not in every case, but in many.

Very briefly, I am going to show you a listing. There are 49 Roman Catholic separate boards and county districts, as they are called in the north. The ones that have not been sent to the Minister of Education are, for the most part, very small and in the north. As you can see, these are Atikokan, Chapleau, Dryden, Fort Frances-Rainy River, Geraldton, Hearst, Hornepayne, Huron-Perth—that is not in the north—Kapuskasing, Michipicoten, and Moosonee. Of the others, only one has been turned down.

North of Superior, the North Shore, which is north of Lake Huron in the Georgian Bay area. There is Prescott-Russell. The two directors were in my office this morning at 9 o'clock and they are planning to implement in 1986. We had a fruitful discussion. These other three—Stormont, Sudbury, Timiskaming—have all been sent in because they have become complete.

Here is a statistical summary. If you are foolhardy enough to put out statistics, they can come back to haunt you. Nevertheless, we have the results shown here. We expect there will be 6,287, which rounds out to 6,300, students transferring as a result of this policy. That will mean approximately 300 teachers will be moving from the boards of education to the separate boards. We have estimated the emergency accommodation that is needed at 96 portables and one portapack, which is an eight-portable building that will be going in, I think in Halton.

We are frequently asked what secondary education in Ontario is going to look like in 1995, 10 years from now. The answer is that just as Ontario is very diverse, in our opinion there will be diversity in the secondary systems as well. In the larger centres such as Toronto, Ottawa and London, there will be two parallel independent systems. Depending on the extent of funding, there may be one area of educational glitter in one system and a different one in the other system. They may not all have the same offerings, but they will be parallel and we hope there will be co-operation between them.

In medium enrolment boards there will be Roman Catholic secondary schools in the cities and the towns. There will be purchase of services in the rural and the smaller urban areas and perhaps purchase of special education and technical studies. This may not go all one way; it

may go both ways. There may be joint management of one or more schools.

One example we use is Wellington county. In the urban areas in the south there will be three or four separate schools, which will be increasing in size. In the north, in areas such as Arthur, Mount Forest and Palmerston, there will be the board of education. The only difference in those schools will be that the separate board will be paying for the separate students' education by fees instead of the money going directly to the board of education.

There will have to be a good deal of co-operation in installing enrolment boards. We think there will be co-operating public and separate entities in the same building. There will perhaps be joint management of the school or schools, programming, timetabling, transportation, curriculum development and so on.

Perhaps that sets the stage for questions.

Mr. Chairman: I am sure the members will want to have a look at some of the slides again as they ask you questions. I should tell all members they have in their black briefing book or folder the documents that are to be filed with the commission for the plan for secondary schools. For some reason or other, I do not seem to have that available, but it is in the black folder. If you do not happen to have one, we have extra copies for you up here in case there are questions of some detail on those matters.

I will open up the question period for committee members now, because we had an indication they had a lot of questions passed on to them by others.

Mr. Epp: I have one question. You obviously know what the pupil-teacher ratio is across the province on average right now. Is there going to be any change in that ratio come 1985-86?

Mr. Newnham: My best guess is that it will be essentially the same.

2:30 p.m.

Mr. Epp: What is it on average now? Is it 18.5?

Mr. Newnham: A number of them are in the high 15s—15.8, 15.9, 16.1, 16.2. I have not got an average. I am told 16.4 is the average.

Mr. Epp: It is your feeling it is going to stay?

Mr. Newnham: I think it will stay about the same. It may drop slightly in the first year, but I think very soon it will be stabilized.

Mr. Timbrell: The only reason I am reticent is I think we covered a lot of areas in the review of the bill and discussions with the minister.

This morning we touched on the degree of co-ordination between coterminous boards. Going beyond the classroom now, what is your sense of the direction the boards are taking as they submit their implementation plans with respect to joint ownership or joint operation of support services such as busing, computers and the like?

Mr. Newnham: My feeling is that in some areas of Ontario this is very well advanced. For example, in the hearings—and those hearings were a great help to us—we learned about places such as Chatham where there is sharing not just between the two boards but also with the local hospital, which I thought was interesting. There is sharing of computers, transportation, as I recall, resource centre preparation and that sort of thing. In North Bay and some other places it has certainly advanced. I know in other places they are talking about it where they were not thinking about it before.

One thing I was impressed by early in the fall was that there were areas in Ontario where the public and separate board had never been in the same room together. As a result of this, that has been happening.

To answer the question directly, Mr. Timbrell, my feeling is that it is already there in a number of places and it will be there in many more within the next two or three years.

Mr. Timbrell: Taking it a step further, how does one ensure it will happen and that in a reasonable period of time it will happen to the fullest extent possible? Since your role is an advisory one to the minister and therefore to all of us on the implementation of this program, what do you think would be the best way to ensure that it happens in every board?

Mr. Newnham: If it is stated as an expectation by the commission in its dealings with the boards, that would be the approach I personally feel would be most productive. Stated as an expectation rather than as a demand, I think it will happen.

Mr. Timbrell: What if it does not?

Mr. Newnham: If it does not, then I would think perhaps a letter from the minister might be required. But I really feel in the next short while it will happen.

Mr. Timbrell: You are going to monitor that, among other things?

Mr. Newnham: Yes. The board plans have to be approved for the first three years, and the first year is in. There will be a close following of this for the reasons of program, policy and assistance

over the next while. We will be able to recommend to the minister that such and such be approved and we will be able to state that these things have happened.

Mr. Timbrell: On another matter, you indicated some of the 36 boards have indicated they will not require non-Catholic students who enrol in their schools to take religious instruction.

Mr. Newnham: Several.

Mr. Timbrell: Can you give us a list of those that have indicated?

Mr. Newnham: I cannot name them. I could give you a listing, but I have not got it with me.

Mr. Chairman: Providing that to the committee would be very helpful, if you do not have it off the top of your head.

Mr. Thomas: We can do that. However, Mr. Timbrell, every board that had a plan recommended for approval by the commission has committed itself to excuse all non-Catholic students who are in the school as a result of requiring a program or a need for accessibility. They will be excused on request of the parents.

Mr. Timbrell: I am aware of that. It is in the second category, those who are there by choice, for which I would like to know which boards have adopted that policy.

Mr. Chairman: I have a question, if I might. I will wait to see hands. I did not notice any. Yes, Mr. Allen has a question.

With respect to the plans to which you have now agreed and sent on to the minister for his approval, could you give us some idea of what they will look like? I know they are diverse and you have different proposals from different areas, but you have mentioned there is some sharing of facilities with regard to computers and other backup material.

Could you give us a sort of profile of a board or coterminous area where you have come up with a plan and indicate how it is operated? I know there will be subsequent questions about Metro Toronto, where you have not had the public board involved but the separate one has a plan which has been submitted for the minister's approval. I do not think a lot of us have a clear idea of what these plans look like and I wonder if you could maybe give us some help.

Mr. Newnham: I will make a start and talk about one or two. Perhaps Mr. Nelligan would speak to some others. There may be a number of responses that would be helpful.

May I talk about Cochrane? Its board has two schools and there are more spaces than pupils at present. That was not always so, of course, but it

is true now. In Cochrane the split is on the basis of language. There will be two entities in each of the schools, English and French. That is the situation there.

Mr. Chairman: Is that the district of Cochrane?

Mr. Newnham: Yes, the board covering the Cochrane area and Iroquois Falls.

Let us talk about Essex county. In Windsor, St. Anne separate school will be enlarging to some extent. The number of pupils will be considerably fewer than 50. It is estimated to be approximately 30, but we will have to wait until September to see. That will be how it appears in that area. The boards of education will continue to operate their schools just as is.

Mr. Chairman: Sorry to interrupt, but are you saying about Essex that the only visible effect of the migration in this coming year, or the move to grades 9, 10 and 11 in that area, will be between 30 and 50 new students in this one Catholic school?

Mr. Newnham: That is the expectation.

The separate school in Brantford will be enlarging. There will be very little impact in Paris and Burford because the separate school transportation system has been quite effective there; so there will be a minimum change in that area.

The same thing obtains in the Wellington area, which I mentioned previously.

Mr. Nelligan, would you like to speak to a couple?

Mr. Nelligan: I cannot pinpoint a board particularly, but I think the pattern for this September is that the boards which have agreed or asked to go into a secondary school program are extending what they already have. There are very few boards starting something new. Are there any?

Mr. Saunders: Cochrane-Iroquois Falls is the only one.

2:40 p.m.

Mr. Nelligan: That is the only one that is starting a new grade 9 school. Most other boards already have grade 9 or grades 9 and 10 and are extending to grade 11. I do not think in the initial year you will find much change in programming. There is doubt with regard to what funding is available. The expansion of the programs Mr. Newnham mentioned will probably be in the second year when they know what funds are available to them.

If you look at the general pattern, I think you will pretty well see what exists extended to grade

11, with some boards establishing new schools within their operations. I think that would be the general pattern.

Mr. Chairman: One area fascinates me. There was one where a proposal was put forward and has been turned down by the commission and then there is—was it Kapuskasing?

Mr. Newnham: Kirkland Lake.

Mr. Chairman: Kirkland Lake. Then there is Metropolitan Toronto where, although there is nonparticipation by the public boards, a recommendation has come forward. I wonder whether you could explain to the committee how we come up with that.

Mr. Newnham: In its deliberations the commission thought that somewhere in Ontario a board of education, for one reason or another, might not wish to submit an impact statement. Because we were established by order in council and because we were representing the Legislature and the three parties represented there, we felt it would not be fair for a board of education, in effect, to have a veto on the House.

Consequently, on January 16 boards of education and separate boards were advised in this wording, "It should be noted that the failure of a board of education to submit an impact statement on or before March 4, 1985"—that was the deadline date we had established—"will not prevent consideration of the plan for secondary school programs of a Roman Catholic separate school board." That was the rationale for it.

Mr. Chairman: That explains the Metropolitan Toronto situation where you have a plan acceptable to you. What happened in the other situation in Kirkland Lake? Why was that not acceptable?

Mr. Newnham: Kirkland Lake is a different situation. In the course of the year, the co-operation which was so hearteningly present in the fall evaporated; it disappeared. In the Kirkland Lake school, which has a rating of approximately 1,600 students, there is a French school of approximately 200 students that I am advised is a model French school. There are approximately 400 English students.

I have the exact figures. In 1984 there were 190 French and 1,032 public, for a total of 1,222. In 1989 the expectation is that there will be 225 French, 450 public and 350 Roman Catholic English-speaking students, for a total of 1,025.

The situation was not producing the kind of co-operation necessary in a relatively small place with an excellent school building. At one time the separate board was looking for space in the

local college and elsewhere. That would have meant there would have been 450 students in 1989 in a school rated at 1,600.

Consequently, the commission felt it wisest to say no at this point and to suggest there be further discussions. There will be visits and we will be working with the two boards to try to find a way out of that.

Mr. Allen: I believe in the estimates books we received it is noted you received impact studies from 19 public boards. Is that still correct?

Mr. Saunders: I think there is an error in the data. We have received impact statements or letters indicating there is no impact from every board of education in this province where the separate school board had submitted a plan except for five area boards in Metropolitan Toronto, the York region board and the Norfolk board. The Haldimand-Norfolk Roman Catholic Separate School Board sent in its plan very late. I am sorry, it is the Haldimand board that has not sent us anything in writing. They have told us orally there is no impact and we will confirm that. The Norfolk board has indicated in writing there is no impact. But only those five boards, plus the York board, have not sent in anything.

Mr. Allen: That concerned me because it seemed to indicate there had not been the kind of response that corroborated the co-operation you were talking about.

Mr. Saunders: I do not understand how the data were put together. I saw that this morning.

Mr. Allen: In other words, those impacts are virtually complete in one form or another. You have responses back that are satisfactory.

I want to raise a few items that have come out of our discussions so far, more to get impressions from you because you are the people who have been out there and have the feel of the situation. We have a fair bit of statistical data on our hands at the moment but not a lot of in-the-field impressions.

For example, with respect to the question of separate school electors, the issue has been raised in the course of our discussions that there seems to be a pretty dramatic cutoff of separate school electors, inasmuch as there will persist for some time through the transition years numbers of Catholic students in the public boards.

The explanation we have received is that essentially we are not talking about separate school trustees who are there to represent students as much as to represent dollars. At the same time, obviously the dollars that will flow into the public system have a persistent impact

too. They have been fed in and they have had their capital and operational implications.

Given the carry-through of Catholic students, have you found in the field a significant or substantial concern about separate school trustees dramatically leaving the boards so sharply after a bylaw is passed that permits the separate board to get into secondary education?

Mr. Newnham: May I ask Mr. Nelligan to answer that question?

Mr. Allen: You certainly may.

Mr. Newnham: First, I would like to say I do not mean to imply that in every corner of Ontario there has been the kind of co-operation there will be in five or 10 years. In some places it has been civil; in a few places it has been less than that. In general it has been very satisfactory by our definition.

Mr. Nelligan: Dr. Allen, I think you have stated the position the commission has taken. We must realize or recognize that what happens to electors is a political question and it is something about which the decision has to rest here. The feeling of the commission was pretty well as you have stated it, that representation goes with taxation. In the system of public education we have here, trustees are elected on the basis of assessment. If there is no assessment supporting a particular school system, then there should not be any representation to go with it.

I suppose there are exceptions. I do not know what has happened to the other bill with regard to governance of French-language schools, but in that case it would be representation on the basis of students. The present act calls for representation on the basis of assessment and taxpayers. The commission in its recommendations to the government has indicated that when the taxation ceases, so should the representation.

In your final question you asked whether there is substantial concern about this. I think that calls for a subjective answer. I do not think we have really discussed it. It has gone around our own table about what is going to happen to these people who in their expectation would be cut off. There was some concern that might happen, but it was felt too that the principle should be upheld, that representation goes with taxation. That is pretty much what we thought it should be.

Mr. Allen: I suppose my question was not so much whether the trustees who would get cut off were lobbying you, but whether the Catholic community at large was concerned that in a transition period there should persist some form

of separate trustee representation on the public boards.

Mr. Nelligan: There will be a payment of a fee, which would presumably come from the separate school coffers where they are represented. Presumably the ratepayers then would have some control over whom they elect and who will be authorizing the payment of fees. A personal opinion is that they are protected in that respect. I cannot say we have been lobbied; at least that is my perception, I do not know what the others feel.

2:50 p.m.

Mr. Allen: At some point in the discussion there was some talk among the Catholic boards and Catholic interest groups raising the question as to whether there would not have to be or should not be public school student representatives on Catholic boards to represent the non-Catholics who would be present in the separate public system. I gather those discussions have pretty well evaporated in the light of the more formal decision to move the separate school trustees off the public boards fairly expeditiously.

Mr. Nelligan: Yes.

Mr. Allen: I did not know where all that had gone. I just wanted to get an indication from you about that.

With regard to the emphasis we have had given us by most ministry personnel and the minister to date, I would like your comment on it out of your own experience. This has to do with the reliance upon local determination of as many issues as possible. There has been some comment in the committee to date about that, wondering on a number of points whether there should not be more direction given from the ministry or the legislation, or what have you, to give a clearer directive for local boards. What is your broad stance on that? I think I know the answer, but I would like to hear you say it.

Mr. Newnham: The criteria we have established have been effective for this year. What I am about to say has not been discussed in the commission, but I think the criteria may well have to be rethought in the coming year, particularly with a view to program and perhaps one or two other areas.

We feel the involvement of people at the local level is not only extremely important but also necessary. It is our fond hope the discussions we are requiring now will carry forward indefinitely. There will be obvious advantages to the students in both panels in Ontario communities as a result.

Mr. Nelligan: If I may I add to that, there is something this committee should know. We have mentioned the great amount of co-operation that has existed between the boards and between the federations. We should realize too that an awful lot of those people who have been co-operating are opposed in principle to the concept of extension of the separate school system. There is a large number who feel it is unconstitutional and they are waiting for that answer to come. By and large, and this is an observation, they are motivated by what is good for the people in their system. They are looking at children, teachers and their own staffs. Despite the personal feelings of many of these boards, there has been a great deal of co-operation in the interests of the children they are serving.

When you are asking about how much of it should be left to local determination, it has been another personal observation that there are so many ramifications in each part of the province that are unknown to another part that the more they can solve their own problems, the better. If something is laid down from Queen's Park or some other central authority, it is not going to take into account something that is important to the people in a particular area; they are the ones who can best determine that.

Mr. Allen: In that connection, in the discussion to date in this committee two alternative paths ahead have been emerging in terms of structure. There is the one which the bill lays out; that is the continuation of your own commission. The other is reversion to reliance on even more local determination by using ministry local offices and so on to facilitate local situations.

Few of us would credit this operation would have moved to the degree that it has and as well as it has to date without the presence of a third outside body such as yours. I know you are self-interested, and in asking one might expect you to give a self-interested answer but I know you will not.

Mr. Newnham: I will try.

Mr. Allen: What is your view of your future role and its necessity in the continuation of the implementation process over and against the use of the ministry involvement directly in all those processes that are sketched out in the bill?

Mr. Newnham: I will be totally objective and totally altruistic in this one. The Ministry of Education, in my opinion, has never been of greater value to the people of Ontario than is the case right now. At noon I took a pen to list the things they are studying. This is not a complete

list, just what popped into my head. Probably the minister could double it.

They are looking at finance, at private schools and at the Ontario Schools, Intermediate and Senior Divisions document and all that OSIS means in opportunities for thousands of students. They are looking at how best to make curricular opportunities available in small schools, and this policy will result in more of them. They are looking at early childhood education. They are evaluating programs and they are thinking about evaluation of teachers. They are looking at curriculum renewal and at French-language governance. That is not a complete list.

I have been dealing with the Ministry of Colleges and Universities for a while. I have not been dealing with the Ministry of Education per se. My feeling as an outsider is that they are not overstaffed. If you are going to implement a sensitive policy such as this one, it pretty well has to be done by a separate group. To ensure consistency across the province, there should be a follow-through on it, and I think the three-year period is probably wise.

It may sound like self-interest, but I do not think it is. If the commission were to be phased out the commissioners would find other things to do, believe me, but if it were to be phased out it would be to the detriment of the policy because of the number of important things the Ministry of Education is confronting.

Mr. Allen: Speaking for myself, I am very impressed with what you have done to date, and I expect that pattern to continue.

Mr. Chairman: I will continue until somebody stops me.

Mr. Chairman: I have at least two other people on the list. Can I put you back in rotation?

Mr. Allen: If you want to come back to me, that is fine.

Mr. Chairman: Mr. Davis had some questions. I will put you back on the list.

Mr. Davis: I want to ask a couple of practical questions. I have three or four, but I will ask two and let you come back.

We have asked for, and I expect at some point we will get, some of the implementation plans that have been set up—not just the format, but some of the actual plans. In the plans you have received in which there has been some discussion by both groups, in this coming year, September 1985 to the end of June 1986, are there any areas in this province where there will be an exchange of facilities, where a high school will change from a public school to a separate school?

Mr. Chairman: The witness is indicating no.

Mr. Davis: That is what I thought he indicated.

Mr. Newnham: Just a moment. We are in a little huddle here. We are thinking about Paincourt.

Mr. Davis: I am more concerned about a school that currently belongs to the public school board and will be transferred over to the separate school board.

Mr. Newnham: My answer is a flat no, but let me qualify that. There is a flat no in the intent I take from what you said; but in Sarnia there is Sarnia Central Collegiate, which has been empty for several years. That is not what you mean.

Mr. Davis: No.

Mr. Newnham: You mean one that is being used.

Mr. Davis: One that is operating right now.

3 p.m.

Mr. Newnham: The one possibility would be the Paincourt École Secondaire. That is in the recommendation. I believe it has 79 students.

Mr. Davis: I think this is one of the key issues. It is very easy for us to say this kind of co-operation exists out there, and I have no doubt it does, but at some point you are going to move school A to jurisdiction B. That is like trying to close a church when it is in decline. You are going to have fireworks. In these deliberations I would assume, and maybe I am making a mistake, that you have no plan for the second year from these boards; or do you?

Mr. Newnham: The second-year plans will be received by November.

Mr. Davis: Let me ask it this way: when you were moving around the province—and I assume it was not just school boards that came and addressed you but also members of that local village or community—how did you explain to them they could lose their public high school in a jurisdiction and that it is going to be the separate school? How did they react to that?

Mr. Newnham: This came up, for example, in Thunder Bay, where there is an elementary school that is sitting empty. It has been discussed by the board of education, which has stated that it is not averse to having it transferred to the separate board.

In other places it was mentioned as a grave concern. In North York, where I live, a relatively small elementary school is going to be closed; it is a matter of concern to the people. I was just

trying to think of other places where it was discussed so I can answer completely.

Mr. Nelligan: I think it was discussed in a number of places, and one message that came through from our hearings was that when you come to closing a school, logic does not necessarily rule. There are strong emotional attachments to each school, and those are things that have to be taken into account.

We are also influenced in our own thinking with regard to the court case which—it has gone out of my mind where it is—declared the change of use of a school was in effect a school closing and therefore had to go through the procedures. That is something that either the commission or the ministry is going to have to come to grips with.

They have been closing the schools. Two or three years ago, there was one in Metropolitan Toronto.

Mr. Davis: I am not talking about closing schools. There is a distinct difference. I am talking about transfers of schools where you take a currently operating school—

Mr. Nelligan: That happened already at the Don Bosco Separate School in Etobicoke.

Mr. Davis: Right. In the process that is coming down the road, and you can use Don Bosco as an example—

Mr. Nelligan: I hope not.

Mr. Davis: I think that is reality.

Mr. Chairman: Perhaps you can discuss it in those terms. Why will it not be the same?

Mr. Davis: Yes. I think that is reality. It is one of the questions that concerns me and our committee; it is very difficult to get an answer for it, and someone suggested you gentlemen may enlighten us.

If there is a transfer of school, and let us look at Don Bosco, what price is placed on that transfer? I have forgotten, so you are going to have to clarify. I really have. What did the separate school pay for that school, if anything? If they paid nothing and it was just a transfer of the school building, is that the process we are going to have in other jurisdictions across the province?

Mr. Newnham: I would hope there would be an intermediate step. I would hope there would be a pretty light hand in that sort of thing. The intermediate step would probably be the leasing of space. I do not think you would very often jump right into the transfer of whole buildings. You would move people out and do it that way.

Boards of education have a school closure policy. In practically all cases, if not all, these

policies have been pretty carefully thought out and should be followed. This would suggest that the leasing of space might be the intermediate step. Then perhaps down the road there would be the transfer of a building. We will know more fully in November when the board plans are in for the coming year.

Mr. Nelligan: That is a learning process that will take place in the public and would probably take place even without extension. For instance, the first schools on the elementary level that were shared were looked upon with a great deal of apprehension. Then the two parties got involved in the schools and saw that the world did not fall apart, and most of them are working very successfully.

As the experience grows of perhaps closing schools with declining enrolment, sharing them or leasing them, I think they will work into such situations. The first one is always the most traumatic. That is why I mentioned that I hoped the first one would not be the pattern for others; the next one is always a lot easier. I think it is something that would come whether this was in force or not.

Mr. Davis: In reality, you have no distinct proposal to a jurisdiction where a school is going to change hands. What I hear you say is that you might go down the road and suggest leasing, and maybe at some point, when everybody gets used to the idea that the school is no longer a public educational school but is now filled with separate school students, there could be the transfer, but you really have no policy.

Mr. Newnham: There is not a policy in the sense that you are implying, because I think in each situation you deal with the community as a distinct entity in itself. They are different.

Mr. Davis: I know. In their deliberations, have the members of the commission come across what is being reported in the press—I do not know whether it is true or not; I can only say what is being reported—that before this particular piece of legislation becomes effective by law—I know it is effective now, but I mean on third reading or whatever makes it mandatory—some separate school jurisdictions have been hiring Roman Catholic teachers to staff the extension and they will not have to hire non-Roman Catholic teachers because they will already have those positions filled?

Have you come across that? Is that happening in the province, and how do you propose to deal with that?

Mr. Thomas: We have had no advice of that. Each separate school board that has been

recommended for approval has given an undertaking in writing to the commission that it will accept responsibility for all displaced personnel.

At the local level, and by consultation between the board of education and the Roman Catholic separate school board, in some instances arrangements for seeking volunteer applications from among the staff of the board of education have been arranged.

Mr. Davis: But not in all jurisdictions?

Mr. Thomas: Not in all jurisdictions, but the bottom line is that the separate school board will take all displaced personnel.

Mr. Newnham: I can name two separate boards where the growth has been greater than just the transferred students from the boards of education and where there has been promotion from the elementary panel by people who would have had it in any event, I understand, but not such as to have an impact on the commission's criteria.

Mr. D. S. Cooke: What would those two boards be?

Mr. Newnham: One was in the Kingston area and the other was in Ottawa.

Mr. Chairman: I am told that there are a number of boards that are hiring from their elementary system.

Mr. Newnham: That may well be.

Mr. Chairman: That is because of an expansion of their existing populations and not to do with the transfer.

Mr. Newnham: Yes, or there may be a certain number of retirements or leaves of absence, whatever, but the signatures are on the line regarding the number of positions for which they are responsible.

Mr. Thomas: There is a wide range of activity taking place within the staffing. In some instances, separate school boards are taking a greater number of teachers from the board of education than their obligation. They are doing this with the full concurrence of the board of education and the teacher groups within that board.

Mr. Newnham: They are happy to get the experience in a number of cases.

3:10 p.m.

Mr. Thomas: In others, the board of education has indicated it would not have any teachers who would be redundant as a result of the policy because retirements and resignations have exceeded their need for attrition.

Mr. Davis: Do you monitor it so that if X public school teachers are dislocated because of the extension as of September 1, no matter where that occurs they will be guaranteed a job, either in this thing called the pool, if there is no place for them in a separate school jurisdiction, or in a separate school itself?

Mr. Nelligan: To re-emphasize the point, every separate school board that has been recommended to the minister for extension to the next grade has agreed to employ all displaced personnel because of that extension of the school system. The condition on which it was recommended was that they hire them. If they do not hire them, I presume they withdraw themselves from the condition that was necessary.

Mr. Newnham: There is an annual approval for each of the next three years, so there is the opportunity to ensure there are no problems.

Mr. Davis: The commission said it placed a great deal of emphasis on local agreements. Can I assume that also applies to urban Metro Toronto, so that North York could have an agreement different from that of East York?

Mr. Newnham: The Toronto situation is unique. No one in the room is more aware of the Metro organization than you are. Would you like me to speak about Metro for a minute?

Mr. Davis: I would not mind.

Mr. Newnham: Perhaps I should listen.

Mr. Allen: Maybe you both can.

Mr. Newnham: Maybe Mr. Davis would like to go first.

Mr. Chairman: I am sure we will have to have equal time for Essex and other areas.

Mr. Davis: I was not happy with the answer I got yesterday. It was fudged and it is important. If you are going to talk of local autonomy and the right to make local agreements, does that appeal apply to urban boards across the province? I think of Ottawa and Carleton and I think of the Metro area. Or are they going to be treated in a different manner? Maybe you cannot answer the question.

Mr. Newnham: Perhaps you would clarify something for me because you are the authority on the Metro area in this room; I say that sincerely. Does the fact there is an overarching, umbrella metropolitan board make it impossible for the commission to have individual agreements with the area boards?

Mr. Davis: I believe the commission has already dealt with the Toronto board.

Mr. Newnham: Yes.

Mr. Davis: You dealt with the Toronto board, which belongs to the Metro board, and the Metropolitan Toronto School Board recommended to the member boards that make it up that they should not speak to you. You have already spoken to one jurisdiction. I believe the other four have not spoken to you yet; I could be wrong.

Mr. Newnham: I believe five stated they would not speak to us.

Mr. Davis: Yesterday I asked a question and you verified it this afternoon. Some school jurisdictions have said a separate school board and a public school board can agree about a volunteer basis for the list. I assume the other boards that have not agreed to that have made the decision based on seniority.

Under your mandate and how you perceive it, is it possible that in the Metro family, North York, for example, could allocate volunteer teachers to that pool, whereas my board, which is Scarborough, could do it on seniority? Will they be treated as a unit or will they be treated as individuals, understanding that the Metropolitan Separate School Board is a unit because it is not broken down?

Mr. Newnham: I would hope there would be individual arrangements with each of the boards. As you will recall, the Metro arrangement was installed to meet a certain basic problem at the time. The problems of education in North York are not the same as in Scarborough, Etobicoke or downtown Toronto. Therefore, I would hope it would be possible within Metro for the area boards to have individual arrangements.

Mr. Nelligan: Could I just add a point to this, because the matter of volunteer transfers has been one that has been discussed at considerable length within the commission?

One of the points that came through loud and clear from the teacher groups when we went about the province some time ago is that they are concerned about declaring only those in the collective agreement who would be redundant because of transfers. They are concerned for two reasons, at least two reasons that I picked up.

First of all, most of their younger teachers are in the categories that would be designated and a large number of female teachers would be in the numbers that would be designated. There was concern expressed that just to have people declared or designated redundant according to collective agreements would remove from their teaching forces a group of people they value and want to keep and want to build up in numbers.

So the message I got was that as far as possible you should encourage volunteer arrangements that the boards and the teachers' federations can agree to, so those at the bottom of the list are not the ones who will be designated. In addition to that, I guess I could add a third point: You do not want to force people to work somewhere they do not want to work.

So there are good reasons to try to encourage voluntary arrangements. As a personal opinion, I hope Scarborough would consider, within whatever arrangement it works out with Metro separate, the possibility of volunteers so we would not be having people designated and then obliged to go. I think you would save on three counts.

Mr. Timbrell: Is it the minister's intention to provide to members of the committee or to release generally to the public the implementation plans once he has signed them, given that many of them were developed and/or approved at public meetings of the various boards anyway?

Hon. Mr. Conway: The specific plans as I understand them in all cases, as presented, were public documents. Some of them are quite voluminous, as I think was indicated about the Metro proposal. It certainly was not my intention to release the information, but if that is a request, then I can certainly take it under advisement and report back.

Mr. Timbrell: I would like to make it in the form of a request, because a number of concerns some of us may have about the ways in which some of these issues are being dealt with could be answered. The plans will undoubtedly be very instructive to us as we proceed, much farther down the road, to look at the bill clause by clause. They will also be instructive, even once we have finished Bill 30, as members of the social development committee of the Legislature look at the work of the commission in the second and third and subsequent years.

Mr. Allen: Just as a supplementary on that, I have seen some of the plans and some of them are pretty voluminous. I am not sure every member of the committee needs to have them in his files. However, I would be in support of every caucus research office having a complete set so that analysis could be done by each caucus as needed. But to think that each member should go through all those plans in preparing for clause-by-clause examination of Bill 30 is probably stretching the matter beyond the bounds of realism.

Mr. Chairman: There is a level of masochism in this committee that should not be forgotten. I do hope that is going too far.

Mr. Timbrell: I think the suggestion of a full set going to each caucus is a good one. We can have them analysed and any member who wants to look at them for his particular area can do so and contribute.

Hon. Mr. Conway: I do not see any particular difficulty with that. I would just like the opportunity to check with my officials to make sure. As far as I can recall, the information is public, at least at the local level. Unless there is some outstanding reason that it cannot be done, I would be more than happy to facilitate the committee's request for additional information.

Mr. Chairman: In the spirit of freedom of information.

3:20 p.m.

Mr. Timbrell: Exactly. Open government; no walls, no barriers.

On another matter to Mr. Newnham in regard to the question I raised yesterday—that is the potential impact in some areas on teaching and support staff in elementary schools—the bill, of course, is silent. When I asked the question yesterday, I believe the answer I was given was that the minister and ministry were confident the commission, through its good offices, could ensure that any teachers or support staff in elementary schools on whom there would be an impact would be looked after.

Is it your impression that you will be able to do that, or do we need some form of legislative provision to back up your good offices?

Mr. Newnham: It would take a couple of sentences or more to reply, but the answer is not being fudged, it will be very clear.

This past year we have been involved in an exercise in consensus because we have not had legislation to back us; we have had the entire House backing us but we have not had the actual legislation. The hearings and submissions have led to policies which we think have been quite effective.

One of the things the commission is required to do is to establish guidelines regarding the designated lists, and all that this means. If you were to ask me right now what was going to be in the guidelines, I would be fudging because I do not know. The reason is that I am not sure my colleagues are going to suggest we go the same route in developing the guidelines, beginning early in September, that we went with the boards and the general public last year. We will talk to the Ontario Teachers' Federation, the associations and boards and so on, and we will build the guidelines that way.

I am quite prepared to guarantee that your thoughtful suggestion regarding elementary school teachers will be included because we had submissions on this from the OTF, as well as from individual teachers. You are quite right, we do not know what the impact will be on the elementary schools at this time, but I am quite certain there will be some impact in certain areas, if not in all.

Through the committee to Mr. Timbrell, please be assured that this will not be overlooked because it will be included in the guidelines. I expect that sitting behind me are people from the OTF who will make sure this is solved. If not, this fellow will.

Mr. Allen: I presume that in the list of people who will be consulted will be representatives of the other staff bodies as well—outside teachers, boards, trustee associations, and so on.

Mr. Newnham: Yes. They are all in the order in council.

Mr. Allen: I wondered, as that point has been raised, what one senses to be the proportions of the problem. I wonder if you have any reading on that.

I suppose it relates to the question as to what proportion of Roman Catholic children are enrolled in the separate schools and separate elementary schools at this time and how many are not. Is there any likelihood of a great number being attracted into the Catholic system out of the public elementary system in the elementary years, therefore displacing public elementary teachers? Do you have any sense of the overall statistics that would give us a reading on whether we are talking about a big problem, a small problem or an infinitesimal problem?

Mr. Newnham: I cannot answer your question. I can say that two per cent of the teachers in Catholic secondary schools in Ontario today are non-Catholic, and three per cent of the students in Catholic secondary schools are non-Catholic. I cannot give you the figures for the elementary. Perhaps Mr. Nelligan can.

Mr. Nelligan: Are you asking for teachers or for pupils?

Mr. Allen: I am asking for pupils in order to get a sense of potential teacher displacement, but in the public schools; the numbers of Roman Catholic students in public schools.

Mr. Nelligan: I cannot give the number in the public schools. I know separate schools looked at an average service factor of 70 to 80 per cent, some boards going as high as 90 per cent. I do not think many are much lower than that. I would say

you would find about 70 to 80 per cent on average in separate schools. You could get that confirmed by the trustees' association or something like that.

There are possibly 20 to 30 per cent of Roman Catholic children still attending public schools. I think you have to bear in mind too that the right to attend a separate school is a matter of choice. Roman Catholics do not have to go to separate schools. They may choose not to, and large numbers do for their own good reasons. I think you will find when you reach to 80 or 90 per cent you have reached about the saturation point of Roman Catholic people who want to attend separate schools.

I am giving a subjective opinion. I think if you want to compare the service factors in different communities, you can compare it with a top of 80 or 90 per cent and see how great the impact would be.

Mr. Saunders: Mr. Chairman, could you have your research people verify this, but if memory serves me, the census for Ontario indicates that between 35 and 36 per cent of the population is either Roman Catholic or Eastern Rite Catholic and about 31 per cent of the enrolment in elementary schools is in Roman Catholic separate schools.

Mr. Chairman: We were given that information at the outset.

Mr. Allen: You were talking about roughly five sixths of this. In other words, we are talking of in excess of 80 per cent across the province. There will be an impact, but the likelihood of it being very large in the transition period we are talking about is relatively small.

I want to ask you two or three other questions. One has to do with the question I know you have been interested in and done some scouting about. It does not pertain directly to this bill, but it is the question of teacher superannuation, early retirement, retirement gratuities and their costs and so on. These are matters that relate to the teacher superannuation legislation and not to this bill.

Have you at this point reached a composed mind on this subject? Have you made any recommendations of a formal nature to the ministry with regard to the wisdom of early retirement packages and the virtue of the ministry taking on some of the costs of retirement gratuities, given the fact that some boards find it difficult to meet some of those costs out of their reserves?

Mr. Chairman: Was the question, is he at peace with himself? I was not sure about that. What is a composed mind?

Mr. Allen: I will leave that for them.

Mr. Newnham: The answer to Mr. Allen, Mr. Chairman, is I am glad you brought that up.

We feel the reduction factors for early retirement are an issue. We think it could help over the next few years. The issues are that the current base for an unreduced pension is age 65 or factor 90, age plus service. In either case the pension calculation is two per cent times the number of years of contributory service. For each year less than 65 or for each number less than 90, the pension is reduced by five per cent.

The problem: It is predicted that some teachers approaching the time for retirement without an unreduced pension will be dislocated because of transfer of students, reduction in program related to transfers or the inability to commit themselves to the philosophy of the Roman Catholic system. The government's policy and not a teacher's personal planning will be the major reason for the dislocation as we see it. The teacher population has been ageing in both systems because of declining enrolment.

One solution which I would like to suggest is that you might wish to remove the reduction factors for a definite time, perhaps for five years, and the teacher's superannuation fund would have to absorb the deficit. The government, which is responsible through the policy for the deficit, would pay the interest on any increase in the deficit.

This increase should be minimal, given the current health of the fund, that is, low inflation and relatively high interest rates. A spinoff during the five-year period may be a reduction in the number of older teachers in both systems, thus creating positions for more recent graduates from faculties of education.

3:30 p.m.

So much for that. Let us talk for a minute about the other thing you mentioned, namely, retirement gratuity plans. There are three points to the issue.

First, many school boards continue to have plans which were developed at a time of low salaries and pensions. Second, a plan usually provides for the payment of a gratuity at the time of retirement. It is usually related to sick leave, though not always. Third, the Education Act limits the payment to 50 per cent of final salary.

There are five parts to the problem, as we see it.

First, the government's policy with respect to Roman Catholic secondary schools will require many teachers employed by public school boards to transfer to separate school boards.

Second, the latter boards which have plans will not wish to assume the liability. They will not be enthusiastic about it; that is our guess.

Third, the former boards will be expected to recognize their liabilities and make payouts at the time of transfer.

Fourth, the Education Act limitations regarding reserve funds and the ministry system of transfer of grants have prevented school boards from building up reserves to fund these plans. They have to pay from current expenditures.

Fifth, this is one easily identifiable and tangible issue which could cause resentment.

A solution: The government could create a fund from which school boards could draw for this purpose, subject to the submission of all necessary documentation. Experience based on the number of teachers transferred in September 1985 will help to determine what such a fund might amount to in dollars. However, assuming in most cases the teachers transferring will have least seniority, the funds required may be relatively minimal. The government's commitment to such a fund would reinforce its commitment to the whole policy in our opinion.

In a straight answer to your question, yes, we have sent recommendations to the minister's office on both these. The third point one commissioner asked that I make was in regard to small secondary schools. We have sent a recommendation that this be studied for program delivery and overall effectiveness so they may be enhanced.

Mr. Allen: I see you have those responses in writing. Could we have copies?

Mr. Newnham: Yes.

Mr. Chairman: The clerk is just returning. I am sure she would love to make copies.

Mr. Allen: Since the minister has received them, are these recommendations under active consideration at this time? Is he viewing them sympathetically? Does he have some sense as to when we might expect some delivery on the question one way or another?

Hon. Mr. Conway: As my friend of composed mind will know, in my spare time, of which I have had a lot in the last three and a half weeks, I have been giving some consideration to at least some of these questions. I want to be quite candid. The question of the superannuation fund and how adjustments might be made there to ease some of the related questions of the school policy is a matter to which I am giving very serious consideration, albeit at a preliminary level since I have not had as much time as I would like. It

seems to me a matter that deserves and will get serious and immediate consideration.

I can tell you I have not yet had the opportunity to discuss this matter at length with my friend the Treasurer (Mr. Nixon), who, I am sure, will have views on the subject which I will have to hear.

Mr. Allen: We in this party will certainly encourage you to react as positively and as early as you possibly can on this subject.

Hon. Mr. Conway: You have colleagues, Mr. Allen, who have already impressed on me the need to ensure that matters of the superannuation fund are given very careful, ongoing scrutiny. I would not want to mention the member for Sudbury East (Mr. Martel), but you might.

Mr. Allen: I am sure you have not been untouched by a number of hands on this subject.

Mr. Chairman: You will be travelling with us, so people will have a chance to get to you on a regular basis.

Mr. Allen: While we are on questions of staff and teacher security, you are aware, through the legislation and your own activity, of the range of coterminous board security arrangements that are or will be in place through this legislation, which at this time appear to be pretty complete and really quite impressive.

However, I think there was one question some of us were concerned about yesterday in our discussions, the answers to which were not entirely satisfying.

It is apparent that all teachers who reach a designated list will be looked after either by the public board or the separate board. The assurances that have been given to us from the separate boards have been pretty gratifying on the whole, in the extent of their take-up of surplus personnel. I certainly want to say that and to reiterate it.

We also understand there will be a province-wide list developed of the surplus designated personnel, if I can put it that way, which will be circulated and available to other boards outside the coterminous board setting. Yet it was apparent to us yesterday from the drafters of the legislation that those people on the designated list who do not get hired locally but are hired by yet another board from that list would not be accorded the same security with respect to red-circling, seniority, nondiscrimination factors and so on.

We wondered whether you had any reflections on the possibility of extending that security to those particular individuals.

One of the answers we got yesterday was, "You have to realize we are really talking about coterminous board situations and a whole lot of discrete situations that are set side by side." At the same time, I personally observed yesterday that it is a province-wide policy, a province-wide determination, to move ahead on this. If there is some way of building that security into the circumstances of those particular people on the designated staff who get hired elsewhere, I think all of us would be very happy to see that happen.

What are your observations on that?

Mr. Newnham: Perhaps I might give mine and then one of the others might like to respond also. Our push has been to have the problems resolved within each coterminous area; to use an old term, to bury the dead within the coterminous boards. I think this can be done in almost every case. There may be some instances, for example, where a person on the list may be an industrial arts teacher and will have qualifications that will not fit into the separate board because that board may not have a shop—not that they would not like to have a shop, but there have not been any funds for them to have it.

Consequently, an individual such as that may be in need of retraining or perhaps could do supply teaching or something of that sort. The retraining program would not necessarily be a long one. It might involve English as a second language. In certain areas, it might be that the individual could go right into some of the adult education programs that have been mushrooming all over Ontario in response to need and demand.

3:40 p.m.

The lists are going to be distributed across the province. Our discussions in the commission have not gone beyond solving the problems within the coterminous boards and discussing with the ministry the wisdom of having some kind of retraining program for the relatively few people concerned, and there would not be many, whose qualifications could not be absorbed in the coterminous separate board.

As you mentioned, when the Toronto Board of Education met with the Metro separate school board, this came up. I threw the question, perhaps somewhat unfairly, to federation leaders who were there and they expressed interest in discussing it and perhaps pursuing it.

Mr. Allen: I see. So the question has not been raised as an option to date. In effect, you have not got any feedback from the field with respect to the problems it would create.

Mr. Newnham: No, but the guidelines, Dr. Allen, will obviously require some congruence

between the students who have been transferred and the curricular needs they represent. In my opinion, there will not be large numbers of people whose qualifications will not fit within the other board.

Mr. Allen: I appreciate that. I think it is precisely because the numbers are apt to be few that, where there is a potential for hiring somewhere else and that hiring does take place, the same security items should follow with the teacher in question. I understand why you are talking about coterminous boards. It is the one board's needs in a geographical area that place the demands on the other board's teachers and increase the problem.

None the less, there is that province-wide factor. There are a few people who will be affected and I hope you will be working through your role in the creation of the guidelines to see that those few teachers will be covered by the security provisions.

Mr. Newnham: Yes. This has been discussed with ministry people and it has been a high priority with the commission. In fact, the policy your parties endorsed was predicated on the statement made in the House by the Premier. He mentioned the fact that the security of the people involved was a prime part of it.

Mr. D. S. Cooke: There is not much purpose in a province-wide list if there is not some granting of security. There is not much of an incentive for teachers in one area of the province to move to another area of the province if they do not have the security that is provided if they stay in their own area.

Mr. Chairman: This committee feels that is self-evident and I am sure you will reflect on it.

Mr. Newnham: We can take it back to the commission, put it on the next agenda and thrash it out.

Mr. Nelligan: I have an observation with regard to that. We have been addressing ourselves to the teachers who are designated because of the extension of funding to separate schools. We have not been addressing ourselves to the problems of placement of teachers who are redundant for other reasons such as declining enrolment or changes in OSIS subjects.

My observation is that a lot of the difficult-to-place teachers are from the category of declining use of certain options within the secondary school. We have been narrowing our vision to those related to the separate school question.

Mr. Allen: In my questioning I have been trying to treat you as an employment agency. I

am sure many people would be happy to see your effectiveness work in that direction as well, but it is beyond your frame of reference obviously.

Mr. Chairman: Do you think, in comparison with what we are talking about here with respect to protection of teachers because of the funding of separate schools, that the OSIS move will affect a lot more teachers, who will find themselves redundant because their speciality is leaving certain boards? Is that what I am hearing in that last comment?

Mr. Nelligan: That is my opinion.

Mr. Chairman: I have Mr. Davis, Mr. Jackson and Mr. Timbrell.

Mr. Davis: I have a couple of questions. In the protection of teachers who are dislocated because of the extension of funding, is it the commission's intent, or has it thought about it, to take under that umbrella of protection all the teachers who will be dislocated in the next 10 years? I do not think it goes to the whole 10 years, but I think there is a kickout period when it probably levels itself off.

The percentage of grade 7 and grade 8 students who normally would move to the secondary panel will remain within the separate school program and, therefore, jobs that would normally be created will not be created for those individuals who are yet to come. Will those teachers still receive protection?

Mr. Newnham: That has been Mr. Nelligan's pet area of research, so perhaps I can ask him to respond.

Mr. Nelligan: I will not say it is a pet. With regard to the teachers, any loss of students to a public school because of the new implementation plan becomes a charge to the separate school. In the plans that have been submitted, and you have received copies of them, the increased enrolments from grade 8 to grade 9 over the previous year are considered a charge against the separate schools. In the criteria that have been established we have already taken into account the increased enrolment from separate schools. All the pupils who would normally have gone to the public school and went to the separate school are charged and the number of teachers prorated.

Mr. Davis: How long will that go on?

Mr. Nelligan: Certainly for three years; pardon me, it will go on for 10 years.

Mr. Davis: That is good. I had a concern about that.

The other concern goes back to the Metropolitan Toronto plan. If I understood the commission correctly, there was a cutoff date by which the

coterminous board, in this instance the public school boards of Metro, should have made a response, and they did not. At the moment in Metro Toronto, the acceptance of the plan by the commission has had input primarily from one side, excluding the Toronto Board of Education, which has made some submissions. What happens down the road if the rest of the Metro boards decide they should respond?

Let us assume the court case is over; I understand that is when they are going to respond. If they are ready to respond and there are variances with the plan that has been accepted by the commission, is the only course open to them in section 136x where they have to make an appeal, or will there be an opportunity for them to renegotiate?

Mr. Newnham: May I ramble a little?

Mr. Davis: Sure.

Mr. Newnham: In March, we had some concern about the situation in Toronto. We were not used to having people not talking to us; so I issued an invitation. When I say "I," it was the commission that approved the whole thing. I sent the invitation to the director of the Metro board, to each of the area boards and to the director of the Metropolitan Separate School Board, for a grand total of eight people. I was very pleased that seven arrived, or their senior representatives if they were tied up. They arrived on April 3, five months to the day before classes would need teachers in front of them in the Metro separate board schools.

We discussed it. The people were there without prejudice and out of courtesy. They were very honourable about the whole thing; I want to be clear about that. I presented the problem as we saw it, and they presented the situation as they saw it. We agreed to meet again two weeks later. Two weeks later, there were six of us and it was felt there was no point in further meetings. But at least an attempt had been made to make the problem known. We did not come to the point of making agreements about numbers, but it is expected there will be more than 80 teachers affected by the transfer of students in the first year.

3:50 p.m.

Shortly after that, at the request of Dr. E. N. McKeown, the director of education of the Toronto Board of Education, I invited representatives of the Toronto board and representatives of the Metro separate board to meet. The commission acted as a catalyst because it is our policy to try to get local solutions. We sat here

and Toronto there and Metro there. Representatives were invited from the various federations and so forth, and the other boards not represented were there, too. Discussions took place to try to identify teachers at the Toronto board who could apply against the more than 80 teachers affected.

Further, the Metro separate board has held a number of positions for late filling in the event that this could be resolved over the summer. I am not sure of the exact number, but I believe it was going to hold upwards of 50. The Toronto director suggested, so fairness could reign supreme, that a slip-year arrangement might be developed; this was accepted by the Metro separate board.

Some encouragement has come out of this, although needless to say it would have been preferable if there had been open co-operation, in my opinion.

Mr. Davis: My question is, if the other boards come on stream down the road and want to react to proposals you have accepted, will they have to enact section 136x, which is simply the grievance process whereby they object to something in the proposal, or would you just reopen the discussions with those boards?

Mr. Newnham: I would hope that we would reopen them. The reason I had to look it up was that I have a seen a number of drafts, and I am not too sure what section 136x is.

Mr. Davis: I have another question. When there are rumours rampant out there, I think it imperative and important either to confirm or to eliminate them. One of the areas of concern I hear mentioned is that in some areas where there might be one high school, if 51 per cent of that student population is Roman Catholic and currently in a public high school, it will become a separate high school. Is that correct?

Mr. Newnham: It is probably in bad form for the chairman of a commission to call upon the minister to answer such a question, but I recently heard him discuss his home area. Would it be in bad form, Mr. Chairman, to ask the minister?

Hon. Mr. Conway: I do not mind.

Mr. Chairman: Give him a few minutes.

Hon. Mr. Conway: I fear I talk too much. Having heard Mr. Cooke this morning, I take the—

Mr. Timbrell: Nobody rose to your defence.

Hon. Mr. Conway: That is right.

If I understand your question, Mr. Davis, it is that there is a rumour about that where a situation obtains in which 51 per cent of the student population in a public high school is Roman

Catholic, the likelihood is that the school would become a separate school. I went to one of those schools, and I can only give you my best instincts as to what would happen in that environment; I think it would be very unlikely.

Mr. Newnham: The commission has taken it as a matter of policy that public boards not disappear anywhere in Ontario, that there must be the opportunity for people to go to a public, nonsectarian educational institution.

We have to recognize that Mr. Davis's question and the fears that prompted it are felt by a number of people. In Ontario there are 123 secondary schools with 399 students or fewer. In many parts of the province there are concentrations of Catholic people. Out of 631 secondary schools, that 123 represents 19.5 per cent, which is almost one fifth. There are 87 secondary schools with 299 students or fewer. It is something we have to be aware of.

Hon. Mr. Conway: I would like to add one other general comment to Mr. Davis's concern, because it is quite legitimate; it is on the minds of a lot of people and it deals with the single-school situation. Again I can talk from a local experience that I do not think is untypical.

In the past number of months, and I am sure a lot of members from the hinterland might have encountered something similar, my experience has been that there is simply a very keen appreciation on the part of separate and public school ratepayers in these single-school environments about the first-order importance of maintaining a viable secondary school with viable programs. The practical reality of that is there in spades and will be recognized as such. As a local member, I have seen some very encouraging indicators of that. It is going to be important for this legislation, for this Legislature and for people like the commission people and others who have a commitment to quality education for Ontario in the 1980s, that we keep that in mind.

Mr. Davis: I agree with you that it is the quality of education that is important. As we go through these deliberations, we must never forget that the most important aspect of this is the student. We have to keep that in mind.

What I heard you say was that if there is a school in that position, whether it is 51 or 55, in all likelihood that school administration as it now is, whether or not it is under the public school system, would stay that way.

Hon. Mr. Conway: In the situations of which I have a personal knowledge, a strong, local political pressure exists in favour of maintaining a viable school situation. I can tell you about the

school in which I got my high school education. About 65 to 70 per cent of the student population is Catholic. It is a public high school. If what I am hearing from my home environment is any indication, I feel quite confident that local people will make local decisions in favour of the viability of the local school.

Mr. Chairman: That is probably as direct an answer as you are going to get for now.

Mr. Davis: I assume that is the most direct answer I am going to get.

Mr. Chairman: Is this one of the reasons there are so many partial agreements, or the likelihood of only partial fulfilment of full extension in a lot of regions? Is it because of the complexity of a large number of these individual-school towns?

Mr. Newnham: There are quite a few considerations, are there not? If you have a school of 900, say, and 300 students are going to be withdrawn to form a separate school, then you are immediately thinking about quite a number of things. The larger the school, the wider the variety of options. Do you want me to speak on that?

Mr. Chairman: Yes.

Mr. Newnham: The larger the school, the larger the number of options. When the school decreases, in some cases the number of options is threatened. We received from several places in Ontario listings of the number of classes that the principal or the director felt were in jeopardy. In some cases, numbers were listed. They will not know until this coming year whether their fears will be realized.

If you are going to have three levels—OSIS implemented—perhaps 600 is as small as you can go. People in the north do not want their secondary schools to go any smaller, but they feel they are viable and they have a strong identification with them. If you are used to a large, urban secondary school, you might not feel the viability compared. In their opinion, for their needs, they feel that is so.

Small secondary schools are not necessarily bad schools. Research studies indicate higher rates of participation in school life and greater pupil-teacher contact. You find people who make quite a case for them. You can have imaginative timetabling, and organization can widen the availability of courses, in the senior division in particular, and the recommendation we sent to the minister on small schools is along these lines.

The Allan report talked about the use of technology. Some interesting things have happened in the area north of Superior, tied in with TVOntario, and quite a number of things need to be looked at.

However, small schools are more costly to operate, staffing levels in general have to be a bit more generous than in large schools and they have more small classes. But they are a reality in Ontario, and there will be more of them as a result of this policy.

4 p.m.

Mr. Chairman: I have Mr. Jackson and Mr. Timbrell on my list.

Mr. Jackson: I will yield because my question will take us off this point.

Mr. Timbrell: My question is on this point. As I sit here looking at Mr. Saunders, who was my history teacher in grade 12 and 13 in a small high school, I can speak to the benefits of a small high school, one of which was that they knew us all and we could not get away with a damned thing.

Mr. Jackson: Maybe not the results.

Mr. Timbrell: I am not speaking to the results. I will let you form your own judgement.

Apropos of this discussion of the single-high-school towns and the small high schools—I think we were told yesterday there were about 174 single-school communities—in virtually all, if not all, the drafts of the legislation prepared under the previous administration and in the first draft considered by the current administration there was provision at local option, and strictly at local option, for the establishment of consolidated school boards. In that way, what is and has been could continue to be, and what has not been and is deemed desirable could be in terms of a separate or Roman Catholic secondary school program.

Would it be the view of the commission that this is an option that should be available in those communities where the degree of co-operation and understanding between the coterminous boards is such that this type of board, which for all intents and purposes is heretofore unknown in Ontario, could conceivably be made to work?

Mr. Newnham: The answer to the question—direct question, direct answer—is that the view of the commission in its discussions was that the legislation should reflect the various possibilities that might occur anywhere in Ontario. Yes, that was one of the possibilities we envisioned.

Mr. Nelligan: We went into some consideration of the issue of the unified board, which was

raised repeatedly as we went about the province. The commission, in its presentation to the government, thought the idea of a unified board was probably premature.

The commission proposed the concept of a joint management committee, a type of committee that could be established voluntarily between the two boards without the designation of powers and all that goes with the establishment of a board. When it came down to the fine point, we thought that provision for a committee might be more prudent at this stage than a board.

Mr. Timbrell: I may have a different understanding of what we are talking about when we talk about a unified board. Having talked to some directors of education five or six months ago, I understand their idea of an umbrella board, which I would equate to a unified board.

Mr. Nelligan: There is a difference between a unified board and an umbrella board. An umbrella board is like the Metro concept, and a unified board is like the previous administration proposal, I guess.

Mr. Timbrell: You see unified and consolidated as being synonymous.

Mr. Nelligan: Unified and—

Mr. Timbrell: Consolidated.

Mr. Nelligan: Yes, I do; but maybe I am wrong.

Mr. Newnham: There is also two-tier; that would be an umbrella type.

Mr. Timbrell: I want to be clear, though, given my understanding that it is highly unlikely any two coterminous boards are today even likely to be thinking about establishing a consolidated or unified board.

Given that what we are dealing with here is something we hope will stand for a very long time, would it be your view that we should at least provide for the event that at some point in the future, whether the future is a couple of years or a decade or more, the kind of co-operation the commission and the minister talk about encouraging in one way or another leads boards, particularly in single-high-school communities, to look seriously at this option rather than having to come back after the fact and amend the legislation?

Mr. Nelligan: Actually, we have not gone into that detail and I do not know whether I can give an answer on behalf of the commission. The gut feeling I know some of us may have had was that there could be constitutional problems with regard to the awarding of powers that may be vested in a certain class of people and that are the

basis for a separate school system. Although there are strong advocates for a unified board, is that something that is pertinent to the funding of separate schools or is it something independent of that, which should be looked at apart from the separate school question?

Mr. Timbrell: That is something we will obviously discuss.

Mr. Nelligan: If you are asking, for instance, whether this is something that is necessary for the extension of separate schools, my personal opinion would be no, it is not. But I know it is looked upon favourably by a lot of people.

Mr. Chairman: Perhaps we could leave it at this: If the commission does consider this any more fully in the next little while, it might advise us of its thoughts on this as something that has been raised by a number of members of committee in the last few days.

Is there anything else, Mr. Timbrell, at this point?

Mr. Timbrell: Not at this time.

Mr. Chairman: Perhaps I could break order for a minute to get a bit of a rotation here. Mr. Smith has a question he wants to raise.

Mr. D. W. Smith: This is a hypothetical question again. Suppose there were a school in one of the small communities with 800 to 1,000 students, of whom half or a little more than half were of the Catholic faith, and somewhere along the line there was a push to have this school board run by the separate school board. Suppose also that the push did not succeed and the Catholic parents, or possibly the school board members, decided to push for a school of their own. Would the Ministry of Education provide funding for a new school to be built to answer the needs of the separate school supporters? It is a hypothetical question but I want to hear some comment.

Mr. Newnham: I am assuming in this situation there is not another school relatively close. If there were a school relatively close, it might be possible to effect some kind of transfer of students, although in my opinion that would be undesirable.

I think two options are possible. One option would be the continuance of the board of education as it currently is. The other possibility would be the establishment of two entities within the same building with crossovers, or call them what you will, so there were not separate classes in all subjects. The students would go to the same classes and there would be the benefits of size and of filling classrooms and of efficiency.

The entities might have a principal at the head of each. The timetabling would be joint and the services would be joint. Part of the school would be the separate school. The home rooms would be nominally separate and public. The local people would talk about this and in the course of the discussions the difficulties would surface. Over a period of a year or two, there would develop the consideration of each other of which we have seen some evidence.

Mr. D. W. Smith: We hope that would be the case, but could the separate school supporters force the school board to build a new school?

4:10 p.m.

Mr. Newnham: The way things are established now, they would send their recommendation to the commission. The commission, established by order in council, is to advise the minister and we would give the minister the best advice we could. I am not the minister and sometimes I am very happy I am not. I feel the funds would not be available for the establishment of such a school.

I have heard Mr. Conway speak. I should not put words in his mouth, so please correct me if I say this wrongly. Mr. Conway's clear direction was that the emphasis is on sharing and mutual co-operation wherever it can be developed. I hope I am not misquoting.

Hon. Mr. Conway: Not at all.

Mr. Chairman: It is perfect. I am absolutely sure of that.

Mr. Davis: On the program matter, my concern is not only the protection of the public school system, a concern we all have, but also the viability of program. I would like to pick up on the hypothetical case you suggested of a school of 900 students, where 300 students are pulled out to go to the separate school and there now are 600. With that, there is a loss of staff and therefore there is a loss of the expertise the staff brings. With the additional 300, you might have implemented programs because you had those 300 additional students and you brought on staff certain teachers with certain expertise.

I would like to know how the committee deals with a local area where some program has always been part of the history of the local school. All of a sudden, there is the dislocation of 300 students and with them goes the expertise, so the program is now in jeopardy. Is your position or the ministry's position to protect those programs or will they disappear from the public education system?

Mr. Newnham: It is the commission's earnest attempt to protect the program where it can.

This is one of the things we will be wrestling with over the coming year. The coming year is really the accommodation and program year. We are very likely going to be making recommendations to the minister where a number of options are threatened. There is one way around this and that is to get co-operation. Even though the schools are separate, there will be only a finite distance between them. We hope some of it can be overcome by co-operative programming.

In a number of cases, the separate boards have stated they want their distinct entity and they want to be separate. We have discussed this. Several of the commissioners feel the parents have the responsibility for the education of their offspring, and if they knowingly send them to small schools, that is their responsibility. Our concern is with the public board just as much as it is with the separate board. I cannot give you an answer with details, but I can assure you we are looking at this and it has been brought to the attention of ministry officials.

Hon. Mr. Conway: From my point of view, I simply add that one of the very major criteria has to be the quality of the educational experience and program. From a reasonably brief period in the ministry, I am concerned not only about the program implications of extension in some cases but also about what is happening in a number of these situations as a result of the OSIS guidelines. I think those program concerns are pressing and will have to be dealt with. It is one of the subject matters on which I will expect advice both from the commission and from others in the educational community.

Mr. Davis: In OSIS, it was interesting that the commission touched upon technical programs. It has been the thrust of the previous administration and it was certainly in all the election dogmas that came out from the new government that technical programs are very important in the modern age we are living in, especially for the employment of young people. Yet, as anybody who has looked at the educational system knows, the OSIS program threatens the technical programs.

In respect to the extension of funding to the separate schools, I would assume that the technical programs would be some kind of joint and shared programs because they are so costly.

Hon. Mr. Conway: I tried to deal with that this morning.

Mr. Davis: I understand that. My concern now is that when you begin to reduce students and staff, the viability of the public education

system becomes threatened when you remove programs, unless you are going back to the 1950s when you are going to have the kind of educational program that I and many of the people at this table came through. There was no creativity; for example, the option program did not exist. I am afraid that when you begin to cut programs, all you have to do is ask any trustees' or federation's organization and it will tell you that the programs that are cut are what I call the essential programs of culture, art, music and technical programs; those are the programs to be placed on the side.

If that happens in the extension of funding, or they are the kinds of programs that are going to be threatened in the public school system, it is incumbent upon the commission, as well as this committee and the minister, somehow to build in those kinds of protections. I really feel sorry if those are the kinds of programs to be threatened in the smaller communities. They are not going to be threatened in Metropolitan Toronto, or in Ottawa-Carleton, but they are going to be threatened where you have the small school jurisdictions.

Hon. Mr. Conway: My initial reaction to that quite valid point is that this fact is not lost on a lot of people who live in these single-school communities. If my experience with these people is any guide, they are quite conscious of that possibility. In many cases, these regional or composite public high schools were built because the previous high school did not bring with it the advantages of scale that allowed for the technical and other programs that are considered so vital.

Again, on the basis of my own experience as a member of this Legislature, I would tell you that kind of consideration seems very much in the minds of parents and students who are going to be assessing what completion might or should mean in many of these single-school communities.

Mr. Davis: I do not disagree with what you say, but when you take the hypothetical case just cited by the commission and you move 300 students out in order to retain their own identity in a separate school, which is what we agreed to, they also lose programs. It seems to me that when the programs are based on negotiating processes in respect to the hiring of staff, then somehow we have to become acutely aware as to how we retain the viability of program and not jeopardize it.

When you go to the public and say, "We do not have enough teachers and you have a choice of having your child take mathematics or music," I can assure you where the parent is going to come down. There has to be some kind of process

whereby we can examine those and say, "Okay, what programs could be threatened and how do we protect them?"

Mr. Chairman: I hope that over the next little while we will deal with that. I think the commission said that partially the structure of self-interest that is there in terms of maintaining program will foster co-operation and shared cost over programs. That is something all members are conscious of and I hope we will hear some very practical recommendations on that in the next little while.

My feeling is that if we can wrap it up, we will go to five o'clock today. If members wish to spend more time with the commission, maybe we can talk about that a little closer to the hour.

4:20 p.m.

Mr. Allen: I wish Mr. Davis had been around the Legislature a year and a half ago to make some of those comments and underline some of the things that some of us were saying at that time on the impact of OSIS on technical programs and business programs, family studies, music and the arts in the high schools, which was the direct and dramatic impact that program had, apparently relatively unforeseen by the former Minister of Education. I am sure Mr. Davis was saying those things elsewhere. We all needed and still need as many voices on that subject as we can possibly have.

Mr. Chairman: That was your supplementary, was it not?

Mr. Allen: No. The supplementary was designed to get beyond the observation of the obvious, in a sense, which is what the commission itself has underlined: that it has been and is ardently and deeply concerned to maintain the viability of small single-school communities. That has been one of its guidelines throughout, and not just with respect to maintaining 300 students in place under a public board. It has been judged with regard to the quality and availability of programs. I would assume they have been thinking along those lines and communicated that not only to local boards but also to the minister.

Since they have laid such great stress on it, what I am not quite clear about is why there is no specific provision in the bill that relates to some defined point at which a small community school must maintain itself in position under a public board, and that would be that. There is nothing in the legislation as I see it that provides that protection. Did you recommend that be in the legislation? If not, why not? If you did, how did it

get disposed of? Perhaps at that point the question could go across to the minister and the ministry.

Is it there in a form I have not recognized?

Mr. Newnham: Item 2 on page 16 is the closest to it. "The criteria are that the method must permit the Roman Catholic school board to provide secondary school education and that the method must promote the best interests of public education in Ontario." Let me consult here. I have seen so many drafts in the past while. I do not think we had a requirement in the submission we made that public education must continue in every place in Ontario where it currently is.

Mr. Allen: Do you mean the public education system?

Mr. Newnham: Yes, public secondary education, because we are involved with the secondary sector.

The answer to you is, no, we did not include that, but as a matter of policy it has been part of our discussions around the commission table.

Mr. Allen: Is the minister aware whether his ministry considered some legislative protection for the small single-school community so it would not, in unusual circumstances, pass out of the hands of the public board and, de facto, there would no longer be a public secondary school there?

Hon. Mr. Conway: It is interesting you should raise that subject because it certainly came up very directly in the French governance matter in a couple of situations with which I know you are familiar. The general sense, and my own feeling on the question, was it would be a very difficult thing to legislate specifically. It is ultimately and most importantly a judgement call the commission and the minister are going to have to make.

It was not considered and I do not think any of the many draft bills I have seen ever contemplated a particular or specific legislative sanction relating to the single-school situation. It is certainly a very important point. It has been much discussed but it is fair to say, and I do not think unreasonably so, in a highly regional province it is a judgement call that is going to have to be exercised, keeping in mind the two criteria: completion of the separate system within the context of a viable and strong public education system. It may be that we should take further advice on that.

Mr. Allen: Could I observe, for example, that subsection 136v(2) in the legislation requires a judgement call? It might very well be possible at

least to add a phrase which would strengthen the reference of that kind of judgement call with respect to the situation of the small single-school community, which might alleviate some of the anxiety and at the same time not tie the hands of the ministry to some specific cutoff point, some too-tight definition, of what a single-school community is.

Mr. Newnham: When we were discussing this, we were aware of changing population patterns, particularly language patterns in certain parts of eastern and northern Ontario. We thought it was better to have it as part of our spoken approach rather than tying it into legislation, because it might be that a school which at the present time is half and half would become, say, totally French, and another school not far away would have the reverse. There are different possibilities that would suggest it should not be a hard and fast rule because it would not be workable.

Hon. Mr. Conway: Within the government policy, which I reiterate is the completion within the context of a strong and viable public education system, I would be quite prepared to entertain additional language to section 136v that would reinforce the reality as I see it.

I reiterate that the policy is completion only in the context of a strong and viable public education system. As minister, I mean that. I know my own local realities. I happen to represent one of those constituencies where we have a lot of single-school communities, as my friend from the Stormont area has as well. I have no difficulty with any reinforcement of that central point in the legislation.

Mr. Chairman: The challenge has been put to you, Mr. Allen, to come up with some wording on that, as we move along.

Mr. Guindon: I would like to have an idea of how many pupils will be switching from the public to the separate system. Are the credits at the separate level, from grades 9 to 13, going to be the same in the public as in the separate schools?

Mr. Newnham: The question is, are the credits in the separate system going to be the same? We estimate the number to be 6,287 as of this year and we think that will translate to approximately 300 teachers who are transferring from the board of education to the separate panel.

Mr. Nelligan: The separate school boards are subject to the same regulations as the schools under the board of education. The OSIS will be

the basis for the provision of subjects in the separate school.

The number of options which are provided, as was discussed a moment ago, is usually dependent upon the enrolment of the school. It is very difficult for small enrolment schools to have a full range of options. There may be limitations on what is offered because of the size of the school.

There has been a lot of talk about separate schools being obliged to provide full ranges. There is a perception that separate schools provide only academically oriented subjects, which is true in the high schools they have now, but a lot of that is because they have not had the funds. With the additional funding, they will be able to provide more expensive courses, the more costly ones they could not have before.

4:30 p.m.

In answer to your question, the criterion Mr. Newnham mentioned earlier was that they would be expected to provide a full range, keeping in mind the size of the school and the funds available to them. The answer to that is yes, they should be the same, within that limitation.

Mr. Guindon: So the separate system will not have more courses than the public system?

Mr. Nelligan: If they end up with a larger school system, that would be possible. Basically, it is the same criterion that determines what programs there are in either school system.

Mr. Guindon: Maybe I am not being understood. Probably my question is not being asked the proper way. For instance, in a high school right now it takes 19 credits to graduate. In the separate system the students have to have those 19. How many more are they going to ask the students to have because they are in a separate school with religious teaching?

Mr. Nelligan: A separate school board may now offer two credits in religion. That is an optional subject; so that would be part of the 30 credits for OSIS. A student in the separate school could have 30 credits, the same as a student in the public school, two of which might be religious education because they are allowed to offer it.

Mr. Guindon: So it would not make any difference?

Mr. Nelligan: No.

Mr. D. S. Cooke: I want to relate to my own area, not the area I represent but the area that is out in Essex county. You smile and Mr. Thomas probably smiles too. I remember his involvement in Essex county a number of years ago in a different role.

Each of the communities in Essex county has its own community high school. One community may be 12 or 15 miles away from the other community. Obviously, the big fear is that one of the schools will be transferred to the separate school board and buses will be passing one another as the separate school students are bused to one community and the public to the other. The community school concept will be lost.

I do not understand how your philosophy or principles can apply when you also look at the reality of the very rigid positions that are taken by school boards. If you are talking about the shared concept, I have no problems with that, but some people do have problems with it. The basic issue is, if you are going to share the facilities in each of the communities with the Catholic school board and the public school board, then you lose one of the purposes of having a Catholic education system. In other words, the different atmosphere that is in the school and the different philosophy that is followed are lost.

How do you see your concept working, not in a hypothetical community, but in a real community such as Essex county?

Mr. Newnham: I have a niece and a nephew who graduated from Belle River District High School; so I know a little bit about Essex but not as much as I am going to know in the coming year.

Mr. D. S. Cooke: Not as much as we are all going to know in a few weeks.

Mr. Newnham: There is the possibility of expanding St. Anne and of leaving the secondary schools as they are. That is one scenario. Another possible scenario you have mentioned is having entities in one or perhaps two schools on an experimental basis over a trial period. Another possibility might be over a period of time to have a geographically located separate school.

Mr. D. S. Cooke: A new facility, do you mean?

Mr. Newnham: That might be a solution. Those are three options that come to mind at present. I still hope, now that the people in Essex have had a chance to stand back and look at the situation, the two boards will come together and will talk about it rationally and will bring a recommendation forward to us that is acceptable.

I have not given you a definite answer for the problems of Essex. I do not think anyone can at this time, but one of those scenarios might fit. May I ask what your recommendation would be?

Mr. D. S. Cooke: My recommendation is to stay out of Essex county. However, rationally

speaking, I think shared facilities is a reasonable approach. There are empty classrooms, and from an economic point of view new facilities are something that are hard to justify from a taxpayer's point of view.

Mr. Newnham: Last resort.

Mr. D. S. Cooke: However, it is extremely difficult. The shared facilities concept does go against what many people in the Catholic community feel extension of grants is all about, and it is very difficult to try to negotiate between the two boards. I certainly would like to see shared facilities, but I do not know how realistic that is, even given all the goodwill the minister has talked about existing right across this province. There are limits to goodwill.

Hon. Mr. Conway: There is something else I hope people are hearing this minister say. This minister is saying very clearly that new facilities, in terms of new capital plant, are not going to be very much available. That is on the basis that this policy will be proceeded with assuming, and more than just assuming but insisting upon, a maximum utilization of existing plant.

Mr. D. S. Cooke: After going through the provincial election campaign, I am sure the building trades thought there was going to be enough work in the county for a long time.

Hon. Mr. Conway: I understand how that might be in the minds of some people, but let me reiterate as directly as I can that this policy will be proceeded with from the viewpoint that existing facilities will be utilized. This is not going to be a policy that is going to cause a lot of new facilities to be built.

Mr. D. S. Cooke: Can I assume the policy is that the public school community need not fear the loss of community schools? In other words, the people who live in Sandwich West or wherever it be, those communities who have their own schools, may see a shared facility, but we are not going to see buses passing one another on the highways of Essex county in order to have separate entities for each board.

Hon. Mr. Conway: As a politician who has had 10 years of experience in this Legislature and at home as a local member, one of the observations I must make is that I sense a very high and strong commitment to the community school. I fully expect that a lot of people, a clear majority of people, are going to govern themselves by that attachment.

Mr. Chairman: I want to suggest at the moment that you have had the initial response from the commission and from the ministry. We

will be having the fortunate experience of visiting Windsor as our first stop. After that we may want to chat again with you about what is real and what is not real in the area of possibilities in Essex.

Did you have anything else you wanted to raise, Mr. Cooke?

Mr. D. S. Cooke: No. I am only being parochial because I think it is a good example of some of the problems in rural Ontario.

Hon. Mr. Conway: Then I would respond again by saying that you make some very important points that are not lost on me either as minister or as a local member. However, I would reiterate that the policy of this government is completion within the context of a strong and viable public education system. There should be no one in this room or in this province who operates on the notion that somehow Bill 30 is going to be the pretext for a lot of new building. That is not the view of this government. I cannot say that strongly or often enough.

Mr. D. S. Cooke: That is the only clear-cut answer we have had in two days.

Mr. Chairman: It is a start. We have only been here two days.

4:40 p.m.

Mr. Newnham: I would like to say to Mr. Cooke that the trick is to get the parents in the areas where there is pressure to sieve off and establish a small school to see what it means in terms of programs. How do you do that? You do it in different ways in different places. But that is the game in certain areas in Ontario.

Hon. Mr. Conway: If I can just add one final comment, when that happens, and I have seen it happen, then the debate takes on a decidedly different character in many situations.

Mr. Nelligan: If I can just add to that, I know there is a fear of having the two school groups in the same building. There have been successful examples at the elementary level. I do not know of any at the secondary level. But there was the same fear at the elementary level a few years ago. In Metropolitan Toronto there must be at least a dozen cases where schools are shared.

Mr. Davis: It was forced on the community.

Mr. Nelligan: It was pretty well forced in the beginning, but now it is at a point where it is generally accepted. The same thing could happen. When they see the world does not fall apart, it is not so bad.

Mr. Allen: I just want to recall that earlier comment of Mr. Nelligan's in the present context.

Mr. Davis: I want to remind the minister that perhaps it would be an experience for him to go to a school when they close it. The policy for closing a school in the Metropolitan Toronto area, and I am sure it is across the province, is on viability of program. I can assure you that when you go to the community and say, "The viability of this program is not the same as in the school up the road," the public will tell you that no matter how small that school is, it is a viable program.

I think what Mr. Cooke has been saying is very valid. He says that if you make these kinds of indications, either to the public or separate schools, it does not matter how small that school gets, they will tell you it is a viable program. At some point you may wish to indicate to us what you mean by viability of a program. I am doing this in all generosity so that you will not get hung up on it just as public school boards get hung up when we take that as an issue to close a school.

Hon. Mr. Conway: In the first instance, I would say that is a variable judgement to a degree, at least in northern Ontario, as Mr. Newnham has indicated. What is considered viable in some of those environments is not something that might be considered viable in the ordinary course of events in suburban Toronto. But in that local context, viability is seen to be a different thing for obvious reasons. I do not want to get into the debate to too great a degree, but it is a variable concept, certainly on a province-wide basis.

There are busing patterns, for example, that are a normal course of life in my part of the province which I suspect in urban communities would not be very acceptable.

Mr. Timbrell: To put it mildly.

Mr. Chairman: Yes, to put it mildly, as Mr. Timbrell says. I think that is one of the reasons the negotiating format has been moved on this whole area, along with the whole philosophy of local options and local solutions that have been largely looked to.

Mr. Jackson: I have a couple of questions for Mr. Newnham. You earlier responded to a question from Dr. Allen about a justification for your role in the new legislation. Although, as a Conservative member of this committee, I appreciate your enumeration of the wonderful things the ministry has been doing under the previous administration, I was a little concerned that, in my opinion, you missed the mark. I thought perhaps you would have stressed impartiality, not the fact that the ministry is so busy with things that there was a role there for you.

The minister himself has responded that he likened your role to the Education Relations Commission, but that is wholly labour-based and has its roots in the fact that teachers are outside the labour laws of this province. I sense your role is unique in terms of educational precedent for helping to determine program more than consulting the minister.

Is the impartiality issue one you consider important? If so, how is that assured? Second, do you have any concept of the costs that the commission will create for education, not only in the first year—you are nine days short of your first year—but also for the next 10 years? Have you any idea of the growth of that process?

Mr. Newnham: The role is perhaps unique. Its task is perhaps unique too; we feel it is. The question of impartiality is imbued in us. We have to have credibility with the boards of education, the separate boards, the federations, the ministry and the general public to as great an extent as possible, because we have not had legislation. We have been operating without the kind of strength that is normally behind a group such as ours.

We have set out—I think we would have anyway, but the impartiality you bring up thoughtfully has been a real part of it. Not only do we have to do things as conscientiously as we possibly can, but also we have to appear to be doing so to people in different camps. Yes, I endorse it.

What was the next part of your question?

Mr. Jackson: The costs to date and what you expect the costs to accumulate to over the 10-year life of the commission.

Mr. Newnham: When the budget for the commission comes in at the end of the year, you will find we have been able to undershoot the amount it was clearly estimated we would spend. We have done that because we are not staffed heavily. We have a staff of five support people and three professionals dealing with the whole province on this issue, breaking the ground to begin with and so forth. We are not duplicating the accounting staff of the ministry.

I cannot give you a cost estimate. My understanding is that it has been done by the ministry. The section in the statement made in the House on June 12 regarding the understanding expected of separate boards that there will not be new facilities, that sharing will be required and so forth, has been carried forward by us.

On two occasions, I felt enjoined to stop a hearing because the expectations I was hearing were not in line with reality in terms of dollars.

All I can do is to offer assurances to Mr. Jackson and the committee that, as a group, not only will we be very mindful of the concerns you people have as provincial leaders but also we will show it in the expenditure of dollars in our day-to-day operations.

Mr. Jackson: I would like to have a better estimate of those costs if it is at all possible.

If I could move to the area of the tribunal, the legislation as you have examined it addresses carefully the issue of transferring of accommodation. In your opinion, where in the legislation is there reference to the mediation of a dispute arising between a school board and a family that feels it is being prevented access to a system because of accommodation problems? What is the process that follows from that, as you see it?

Mr. Newnham: Is your question about a non-Catholic family where a non-Catholic student wishes to attend a separate school and is denied entrance?

4:50 p.m.

Mr. Jackson: The legislation refers to a mediation process when a dispute arises between the two boards. It goes on to suggest that these are on the issues of the transfer of property and the transfer of teachers. I am asking the question, where does it refer to the transfer of children? Specifically, what are the appeals, as you understand them, that are available to the family or the boards where this becomes a problem? Unless I am reading the legislation incorrectly, it does not jump out at me and clarify that for me.

Mr. Newnham: Let us see. Subsection 136(9) refers to "the person requesting admission under subsection 1," and subsection 1 says, "A person who is qualified to be a pupil in a secondary school operated by a public board is entitled to be a pupil in a secondary school operated by a Roman Catholic school board if...." That is the one I believe you are referring to.

The application would come to us within 15 days after service of the notice of the director or supervisory officer, and a hearing would be set up in accordance with this. My hope is that they will be the ones to resolve these problems. We want to settle as many things locally as possible to create the basic feeling locally that they are the ones who resolve the problems. Nevertheless, I believe this would probably cover it.

Mr. Jackson: Okay. In this specific component, there is not a local appellate mechanism; essentially, disagreement occurs, then the director is notified, and the director in turn notifies

you and members of the commission to decide whether there will be a hearing. That will be sort of a tribunal composed of members or appointees of the commission.

Mr. Newnham: Our hope would be that we would be able to mediate away the problem before it became a major problem. If that failed, a hearing would be held in accordance with subsection 10, and the 15 days that are mentioned would probably allow for the kind of mediation that we would both hope would happen and resolve it before it blew into a small storm.

Mr. Jackson: My concern in this area is that the student may not be in any school at this point as he is sitting and waiting for a decision by a panel in authority. You were mindful of that when you set the 15 days. But I just wonder how practical that will be. I am sure this is going to be an area where, when we go on the road, questions are going to be raised. Is that sufficient time and what happens? You assume your deliberations will be very quick and fair.

Mr. Newnham: You are thinking that if you happen to have 20 of these come in from different parts of the province, you would not have the staff to get down to cases with it; you would have to rely on telephone contact and local influence by distance, I guess.

I do not know whether there is a problem here. Perhaps it is one of those things we would have to try in practice. I do not have an answer, Mr. Jackson. However, I would hope we could get down there or send somebody down or, because we are getting to know these people, we could make contact, get the thing resolved fast and get the student into class in one place or another, because every day lost is regretted.

Mr. Jackson: I have a final question on this point. Do you see any appellate mechanism beyond that of the commission, or will the commission's decision be final in this regard? Will there be one appeal only?

Mr. Newnham: According to this, I think it is final. My own feeling is that the nature of the thing is such that it would be resolvable. I think this will hold water.

Mr. Jackson: I hope it is, because it would appear that when we transfer schools we have three appellate mechanisms in place, but when we transfer kids we have only one. That gives me some cause for concern, given the importance of the focus of students in this regard.

Staying on students if I might, since I was patient, the dissemination of information was an area I raised in the House. I believe, and I hope I

am wrong, there will still be a differential between the programs offered by the separate schools and the programs offered by the public secondary schools for some time before we move towards this parallel system.

Given that fact, I wonder how fair we are being to students in allowing them the opportunity to have access to the full programs being offered in both systems so they can make choices. Essentially, schools provide programs. At the secondary level, it relies on the students to make the decisions as to which system they prefer; we hope the students in large part make those decisions.

The legislation does not make any reference to that. I have a multiple question. Did you have some recommendations in that area, and if so, what were they? If you had none, why were there none? Did you hear anything on that issue when conducting your hearings around the province?

Mr. Newnham: By and large, the separate boards are anxious to hire teachers with a degree of experience. The hypothetical differences you mentioned perhaps stem from the fact that the school is new. If the teachers are moving up a grade and teaching it for the first time—I imagine this is your concern—you feel there would be a difference in level. Is that your concern?

Mr. Jackson: No. My concern is not the transfer of the teachers, but the transfer of the students and the consciousness of the students in making the decision to transfer.

The legislation refers to distance being a major consideration. It is easier to attend a school that is four blocks away than one that is 28 blocks away. I submit that the young adults of this province are capable of making decisions as to which school they go to based on the programs they feel will help them vocationally.

My concern is that there is no reference to openness in both systems to allow a student to be given information about the programs that are available, whether it be in the separate elementary school for a grade 8 student who is considering what he wants to do for high school, or whether it is a grade 8 student in a public school who is being advised to attend the Catholic separate high school because it is right in his backyard.

Essentially, if there is a program difference, are we in a position to ensure that students have access to knowing which programs are being offered and in which schools?

Mr. Chairman: That is basically an information question you are asking.

Mr. Newnham: It is something you might be very conscious of as you have your hearings

around the province. In a number of jurisdictions this year, nights were held when parents and students could come to find out precisely what was going on. In some cases, it was done separately. It is going to be extremely important in the next year or two. I think you have put your finger on something that is important.

No, we did not put anything in the legislation. We have encouraged it. It will be encouraged through the newsletter and through our contacts with the boards, but we did not make it a recommendation in the legislation we sent to the minister.

Mr. Chairman: If you have a recommendation on that for the committee, it would be useful. We may hear a fair amount about just how students get to know what their options are.

I indicated that with the concurrence of the members, we would end at five o'clock. I am sure there are a number of outstanding questions. In fact, I have a number as well. For the next minute or two, I would suggest that if people have questions they would like to leave with you, if they are brief, you might respond to us in writing. Otherwise, we will let you go and I will have to call you back right away, or perhaps much later on. We may want to talk to you again after we have done some travelling.

Mr. Davis: I had a couple of questions that are primarily questions of information. One was about a questionnaire that went to the boards of education. Question 4 on student programs was, "Based on a review of the comments in table D, what is likely to happen to the range of programs available for students in the next five years?" That is something we should have access to or at least have the commission come back at some point to tell us about. I assume they already have some kind of feel about what is going to happen to programs in the next five years.

The other question is interesting; I have seen it a couple of times, and I would like the commission at some point to comment on it. A variety of information that has come across my desk talks about full secondary programs for the separate school. The one that goes to the separate school asks, "What other programs are you going to implement?" I would like the commission at some point to comment on the programs that are not already in the separate school but will be implemented. Specifically, I am thinking about technical programs, but any other programs as well.

I would like the commission at some point to try to define what that sentence says when it talks about "funding for full secondary school pro-

grams." It seems to me that in that context all the programs now available in the public educational system in secondary schools would be in the coterminous board. I think we need to understand that.

Mr. Chairman: Is there any way, Mr. Newnham, of getting this information from you?

Mr. Newnham: I would be happy to attempt to answer right now or to spend five minutes with Mr. Davis immediately at the conclusion of the meeting. Whatever you wish.

Mr. Chairman: We could leave it that way, and if Mr. Davis feels this information has to be shared with the entire committee, he will report it here and we will make a request for it. That is the way I would like to leave it at this point.

There were several things I wanted to know about and I wonder if you could take them under advisement and come back. I wanted to go into some more detail on the Metro board, but we can do that at some other time. I was surprised by how low the number was for teachers who were going to be transferred in this first year. Only 80 teachers; that surprised me a great deal.

I wanted to ask you some questions about the notion of section 235 and the definition of "creed" in terms of your work or on in case there are some problems. If you read our Hansard from yesterday, you will realize the difficulty is around how broad the definition of "creed" is. Does it cover lifestyle or does section 235 adequately cover some political ramifications of those issues?

Mr. Newnham: I was here yesterday.

Mr. Chairman: Some comments on that would be handy. The other thing I noticed when we were doing the initial list was that northwestern Ontario has no agreements outside of Thunder Bay. That whole massive area west of Thunder Bay and north has no agreements.

Mr. Saunders: Thunder Bay and Kenora are the only two boards that have sent in applications. If you look across the separate school boards in that area, they are all very small enrolment boards. It is possible some of them may decide never to extend.

Mr. Chairman: I was wondering if we could have the statistics on those. I think we have asked for them from the ministry, so I do not need them from you, come to think about it.

There are two other items I wanted to know about. One was the three-year period of the close follow-up and the need to file plans with you for three years. I wanted to know why you thought three years was adequate.

Mr. Newnham: That was established until 1987 by the order in council.

Mr. Chairman: That was the only reason the three-year period was established.

I had other questions on the appeals process in distinguishing between OSIS-redundant people and transfer-of-jurisdiction-redundant people, if you will, and how you were going to consider making those distinctions and decisions for yourself. I will leave those and later on when we come back I can ask them.

One point of information that would be helpful would be how the separate boards have determined, and how you have accepted, their figures for the number of separate school elementary students who will not be following their normal pattern of moving into the public system but will move into the separate school system during this period. I would like to know the rationale for how you see that moving towards the 80 per cent figure in the next number of years.

If we could have feedback on those matters from you, it would be handy.

Mr. Newnham: I would be very happy to provide it. You mean subsequently, not now?

Mr. Chairman: Not today. The committee did agree to adjourn five minutes ago. I want to be the committee's faithful servant. I would like to thank you for coming today. The committee may ask you to return after we have learned about the nitty-gritties of this issue across the province.

Mr. Newnham: We appreciate the opportunity. Our aim is the same as yours in this: the better the bill we get, the better it is for all the students

in Ontario. We would be very happy to come back on your invitation.

Mr. Chairman: Tomorrow, we are going to try to deal with the drafts. It would be asking a lot of our research person to have all that information together tomorrow; so instead we will select a few of them to look at and perhaps ask ministry and legal people here to fill us in on important things that might be in some of the other drafts we have not had a chance to go through in detail. That will be tomorrow morning. Please remember to bring your copies of your drafts with you so we do not have to do all that again.

We are trying to get western provincial witnesses before the committee, subsequent to your request, Mr. Jackson. If you will talk to the clerk about some of the suggestions you made, we will then pursue those names with the boards in Calgary and Edmonton. We decided to try to get a representative from Alberta because we will have somebody from Saskatchewan.

Mr. Timbrell: Are you saying that tomorrow the drafts will form the sole—

Mr. Chairman: Tomorrow morning we will deal with the drafts. I thought the committee would want to look at what other options were viewed, and we can look at the drafts tomorrow morning in the context of the final product and the other options looked at. Then we will have our first public witnesses, the Ontario Teachers' Federation, in the afternoon. A private citizen was going to come, but he was not available.

The committee adjourned at 5:08 p.m.

CONTENTS**Wednesday, July 17, 1985**

| | |
|--|--------------|
| Education Amendment Act, Bill 30, Mr. Conway, adjourned | S-85 |
| Adjournment | S-113 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Conway, Hon. S. G., Minister of Education (Renfrew North L)
Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Jackson, C. (Burlington South PC)
Johnston, R. F., Chairman (Scarborough West NDP)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)

**From the Commission for Planning and Implementing Change in the Governance and
Administration of Secondary Education in Ontario:**

Nelligan, E., Commissioner
Newnham, W., Chairman
Saunders, R., Secretariat to the Commission
Thomas, R., Secretariat to the Commission

A2DN
C12
S77



Ontario

No. S-5

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development

Education Amendment Act

First Session, 33rd Parliament

Thursday, July 18, 1985

Morning Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, July 18, 1985

The committee met at 10:04 a.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I see a quorum vaguely gathering, and I therefore ask the committee to come to order.

There are a couple of corrections to your agenda this morning. Mrs. Church is back with us again today. Mr. Tucker, legislative counsel, is not a witness before us but is here in support of the committee and to assist the committee in our deliberations this morning on the number of drafts that came as part of the evolution of the legislation, Bill 30, which we now have before us.

I understand the background paper on this, which the library research branch has been asked to pull together for us on pretty short notice, should be here in a couple of minutes, all being well.

There are a couple of other things I would like to raise. We have a substitution; Mr. South will be substituting for Mr. Epp this morning.

I have had a request from a member of the public that we not have smoking in the committee. In view of the number of smokers we have as committee members, I will ask that the smokers please restrict themselves this morning as much as they feel capable of doing. I will also ask the steering committee to meet on this matter later to see if we can break some new ground here in the Legislature in terms of the clean-air ethos that is developing around the province.

Mr. Offer: Is there a definition of "restriction," since we are getting into the wording?

Mr. Chairman: We will wait until we get to clause-by-clause consideration to decide what we mean specifically by "restriction," but members should be conscious of the fact that people are concerned about breathing second-hand smoke and that even those of us who are reformed smokers and try not to be too zealous about this have the sensitivity. Just for today, restrict yourselves as much as you can, witnesses and Hansard personnel included; I know the clerk has been very good throughout. As I say, we will

meet as a steering committee to see if we can come to an agreement to break some new ground in that area.

I know Mr. Timbrell is trying to control his desperately, so this will be a big boon to him. We are trying to control the smoking this morning in response to a request from some people who are here in the audience.

Perhaps we could begin by turning once more to Mr. Mitchell to talk about how we will look at the drafts, and then to Mr. Kirkwood, Mr. Copeland and Mrs. Church in terms of how they would like to lead us through this pretty large package of paper we now have before us.

Mr. Mitchell: I think the witnesses this morning may suffer more from that restricted-smoking rule than anyone else in the room, but certainly my health will improve as a result. Considering the late hour of the night to which these people stayed up to prepare material for today, they may need their smoking this morning just to keep them awake.

Mr. Chairman: There is also caffeine.

Mr. Mitchell: We have prepared some material, just to refresh our own memories as much as anything, on the changes that did take place over the number of drafts that exist and over the past number of months. We are operating initially this morning from a handwritten version of that, and we will have delivered to us shortly, I hope and pray, a typewritten version. I have alerted the clerk of the committee to the fact that when that arrives, if she wishes to duplicate it for the committee, we are comfortable with that. I apologize for the fact that we do not have it to start with.

Mr. Chairman: You have had a very unfair time to pull things together, so that would be very helpful for us.

Mr. Mitchell: What we propose to do, if it is your wish, is first of all to run through some basic principles that appeared in the first version of the bill and carried through to the final version, and then to try to give you an overview of the main changes that took place for each of the subsequent versions.

We are prepared to do that; however, it may not coincide entirely with your wishes. If you would prefer, having looked at those versions,

simply to ask questions and have us answer them, that is okay with us as well, obviously.

Mr. Chairman: Because of the time constraints we have all been under up to this point and the other considerations we have already been through, it would be helpful to use your first approach; that is, to deal with the principles that have been carried through and then to talk about some of the variations. I will accept questions from the members as we go through, though; so you may be interrupted a fair amount.

10:10 a.m.

Mr. Mitchell: There is only one other comment I wish to make before plunging in. Given the fact that these versions have stretched over quite a long number of months, and given the fact that in roughly the past five months we have had four ministers and a change of government, all of which is simply stark reality for us, I want to suggest that our comments as civil servants be restricted to an explanation of the changes that actually took place, if that meets your wish.

Mr. Chairman: I agree. If there is any discussion of the policy decision-making that went into those changes, there are members from all three caucuses who can pose questions to each other or to the minister or whomever.

Mr. Mitchell: Thank you for your understanding. We appreciate that.

Having said that, I would like to ask Mr. Copeland to plunge in and start us through this material.

Mr. Copeland: Perhaps I can give a brief word of explanation to start off. These are drafts prepared by Mr. Tucker of the legislative counsel's office from verbal instructions given to him from time to time. It is fair to say that each draft accurately represents the instructions that were given to him.

The committee should understand that a draft is nothing more than putting down on paper a combination of thoughts on a particular point. As a consequence, the first draft is the end product of a fairly considerable amount of work from a starting point of how best to reduce the policy to paper.

Obviously, various alternatives have to be considered before you get to that point. Even simple things such as whether there should be one, two or three bills; whether, in fact, it is appropriate in a major initiative of this type to commence with a number of amendments, some housekeeping and others very substantive in nature, to the existing act; and whether to

combine the concepts of a board of education with separate school extension—all matters that relate to the very real possibility of litigation—lead inevitably to the production of something, if only for the purpose of getting started. If one views the first draft in that context, it might well be helpful.

More than anything else, the initial attempt in the 1T version was to set down in writing those principles that seemed to be the basis for adding to the package as it developed. It would seem we ended up with approximately a baker's dozen of those principles, the first one being that a Roman Catholic separate school board that determines to provide secondary education should be at all times a Roman Catholic separate school board, and that for the purpose of ease of reference in the bill it should be given a name. For better or for worse, the name we picked was simply "Roman Catholic school board." We were concerned to make sure the actual corporate names of the individual boards that wished to give secondary education should remain unchanged.

It seemed that there should be some marked departure for the establishment of the secondary school initiative with the separate school board and that the rather unusual approach in relation to school boards—a bylaw as opposed to a resolution—would be an appropriate method to commence; so we made provision in there for the passage of a bylaw.

We believed there had to be some time limit at which these things should commence; so it was decided that a determination to provide secondary education made prior to July 1 in a year would be effective beginning with the next school year at the earliest.

Clearly, the legislation had to establish both a statutory authority for and impose appropriate duties upon a Roman Catholic school board to provide secondary education. We saw that there was no particular purpose to be gained when it came to funding to move very far away from the normal funding provisions in the Education Act. Therefore, the bill provides for sharing in the legislative grants for secondary school purposes, subject to the provisions of the general legislative grant regulations.

The Roman Catholic school board entitlement to share in the funding obviously had to be phased in at one grade per year past grade 10. It was reasonably clear that there would be problems, or at least the perception of problems, in the area where extension had occurred. It seemed desirable, therefore, that members of a board of education elected by separate school

electors should become ineligible to be members of the board of education. Equally clearly, separate school supporters had to become exempt from rates imposed by boards of education for secondary school purposes. The counterbalance was that the Roman Catholic school boards would have to impose rates for secondary school purposes upon the separate school supporters.

10:20 a.m.

As public debate developed over the principle and as the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario—to which we will refer throughout this presentation as the PIC—met the public in the public meetings that were conducted by the PIC, it was becoming clearer on a daily basis that it would be essential that there be no discrimination by a separate school board on the basis of creed or religion. That obviously required an override of section 23 of the Human Rights Code, 1981.

Because of a number of factors, not the least of which would be the very real possibility that Roman Catholic families could have pupils in elementary separate school grades as well as in board-of-education secondary school grades, there had to be some provision to enable those pupils to continue their education with the board of education, if desired. Obviously, because of the almost immediate consent of the PIC on this establishment, there was considerable concern about the transfer of school board properties. There evidently had to be some participation by the commission in concluding property transfers.

Those 13 principles appear in the first draft of the bill and, with modifications and additions, I think are still present in Bill 30.

I have a brief comment on the numbering sequence. The drafts are numbered sequentially. The practice we followed with the legislative counsel's office was that as changes were made, a new draft would be prepared that would be repetitive in most instances, but inclusive of the changes that had developed. The period of time occupied by all the drafts is within a day or two of four months, March through July.

Once we got as far as the ninth draft and the administration had changed, the numbering sequence renewed itself so that the 10th draft actually becomes draft 1. For reference in the material that will be put together, for convenience we have referred to draft 1 through draft 9 as T1 through T9, and then commencing over again with 1T through 3T, which becomes Bill 30.

Mr. Mitchell: Perhaps I may interrupt for a moment. I think it is only fair to explain that for the period from roughly September to February we were heavily engaged not in writing drafts of the legislation but in working over, to some considerable extent, conceptual models for the legislation, and in establishing some basic principles that had the approval of senior officials and the minister to underpin the legislation. That is so you do not think we started working on it in March.

Mr. Chairman: Those considerations showed themselves for the first time in the first draft.

Mr. Mitchell: Yes.

Mr. Chairman: When was that?

Mr. Mitchell: It was roughly around March.

Mr. Copeland: The instructions were given to Mr. Tucker in the first week of March and the first draft was delivered early in the second week.

Mr. Chairman: For the information of the committee members, the library document that was pulled together by Philip Kaye and Albert Nigro is now before us. As you will see from its explanation, it essentially compares the first draft we have just been led through with Bill 30 as we have seen it. You may want to have a glimpse through that. Perhaps at this stage Mr. Nigro will explain it so the members know what is included. If you would like to be led through that at this stage, let me know. Otherwise, we will continue with what we are hearing and you can review this as we go along.

Mr. Nigro: What I distributed today was actually two papers. The first is titled, Changes from T9 to 3T. That was prepared by the ministry staff, who let me have a copy yesterday. As you can see, it is a comparison between the ninth draft and what is now Bill 30, divided into seven or eight topics.

I would like to say that the paper in front of you was prepared by both Philip Kaye and me, and I would like to thank Philip for his help.

Using the ministry paper as a model and using those topics as our base for comparison, what Philip and I did yesterday was to take the first bill, the one that has just been gone through, and compare that to Bill 30, which is effectively the 12th draft. We then took the penultimate draft, what is called 2T but is in fact the 11th draft, and compared that to Bill 30. Essentially, that is what we have done.

I think our comparison was somewhat more technical than the ones you have just gone through. In other words, we went wording by wording, clause by clause, in the way a legal

draftsman might go, and we have just highlighted what some of the technical differences are.

As indicated earlier, the first draft was the groundwork or the framework that set out the principles. If you look through the first part of our paper, you will find that the principles we considered are usually repeated in 1T, in the bill presented to the Legislature. However, there is a lack of detail. I say that with all respect, realizing of course that it is a first working document.

Then for the members' comparison, we looked at the penultimate bill to see what comparisons were made in the final draft. We hoped if you looked at that, then compared the ministry document, which compared the ninth draft, you would get some idea of the development of the bill in its various stages.

Mr. Chairman: Is that fair for members in regard to what you have before you? Good. Please butt in or show you are confused by your questions at any time.

Mr. Copeland: The material we have generated, which we hope will be available shortly, is designed to identify the changes of a substantive nature from draft to draft. In the interest of not getting hopelessly involved in paper, we have deliberately avoided technical changes in wording which inevitably are the result of further spit and polish being applied to anything that is written. In trying to keep the process under some sort of control, we have had to make our references to the drafts being referred to at the time. Where necessary to refer to section numbers in an earlier draft, we have made appropriate comments.

10:30 a.m.

In the second draft, T2, in comparison with T1, we really made only one substantive change. There was obviously a substantial change in the wording. It was basically, as I said, spit and polish, with no real change in substance. The only change in substance is subsection 136g(2), which provides that where extension takes effect in an off-election year, members of a board of education affected by the extension who are elected by separate school electors cease to hold office at the commencement of the school year.

I draw to the attention of the members of the committee that you will find references to that particular provision over and over again. It changes to the point where you are never quite sure, without having a document in front of you, at which point you come back to the beginning. You will find a number of instances of that type of thing.

In the third draft, T3, there are a substantial number of substantive changes by comparison with T2. We inserted a purpose clause in this draft. In the passage of time it seemed more appropriate to put in a preamble rather than a purpose clause. There are troubles with the preamble in an amending bill because, in the long run, an amending bill becomes merged in the act that is amended and there are problems about how you would then use the preamble, which is an aid in interpretation when it sits there. On the other hand, a purpose clause clearly designed to aid people in interpretation tends perhaps to be more restricted.

You will debate, obviously, whether you want a purpose clause or a preamble. Eventually you will see where we move away from the original purpose clause into a preamble.

Mr. Chairman: Could we just pursue that for a second? I think it was drawn to our attention earlier on that a preamble is very unusual in an amending bill. I wondered if there had been a purpose clause, and there is in earlier drafts. What was the thinking behind the move finally to the preamble approach rather than having a purpose clause?

Mr. Copeland: There were two major considerations. First was the decision to go with a bill that would be perceived as being a package within itself, as opposed to the more normal amendment type of bill where you would start with the interpretation section, section 1 of the act, and make changes throughout the act to accomplish your objective.

One of the projects Mr. Mitchell mentioned that occurred prior to March was to roughly identify the numbers of sections in the act. Clearly, if we were going to take a route other than a package approach, they would have to be changed in the process. When we got up to 72, we stopped counting and decided that the package approach was the one to take. That creates a problem. If you go with the package approach you need every conceivable aid to the interpretation until, in due course, you get around to making the appropriate housekeeping amendments, as they would be at that time, to the act itself.

You will notice that in Bill 30 there is a provision that says, "Read the rest of the act in accordance with these sections." As a consequence, to fulfil that provision in Bill 30, you need something. I think it is literally a toss of the coin whether you go with the purpose clause or a preamble.

Mr. Chairman: A preamble seems to be much more historically rooted and refers to the British North America Act; it seems much more directed towards the constitutional argument at the Court of Appeal than the purpose clause does. Is that the other reason involved?

Mr. Copeland: Yes. That is obviously the second reason, but from a practical, legal point of view I do not think there is that much difference. Obviously, a purpose clause might well be more restrictive upon the court, saying, "Interpret it in relation to this purpose clause," whereas presumably a preamble does at least offer the possibility of going along with the Chief Justice of Canada in his approach in constitutional cases: "Counsel, give us all the material you think would aid us in interpreting the legislation before us."

Theoretically, you could write all the material you could in the preamble into a purpose clause if you wanted and reverse the process. I think it is essentially a matter of choice.

Mr. D. W. Smith: I want to clarify the statement halfway down through that preamble, "...and whereas it has been public policy in Ontario since 1899 to provide for public funds...to the end of grade 10...." Is that a true statement in the way it is written there?

Mr. Chairman: Luckily, I can say these people are not politicians and therefore it probably is. It depends on how we might change the facts. Mr. Mitchell, would you like to respond to that?

Mr. Mitchell: We realize that in this kind of endeavour one runs a risk of ending up rewriting history and we certainly did not want to do that. It is difficult to establish a single date for this kind of thing. We do not minimize that difficulty at all. What happened was that this was our best guess when we first put it in. We had some historical research done subsequently. We examined that historical research very carefully to try to determine whether that date was entirely valid or whether we needed a new date, and we were forced to come to the conclusion that this date was really as valid as any other we could come up with for this purpose.

Mr. D. W. Smith: When he uses the words "best guess," is it wise even to have it in there?

Mr. Mitchell: What I am saying is that we did verify on the basis of historical research that it was reasonably accurate.

Mr. Copeland: That is the year of introduction of a statute that provided for funding the now-perceived secondary grades, apparently the approach of the government of the day to assist

the development and furtherance of secondary education in rural areas. There is no question about that; it was intended to enhance post-elementary education. It is the beginning of the development of the continuation school development that finally ended in 1967 with the voluntary termination of two Roman Catholic continuation schools that up until 1966 were providing full secondary education through to the end of grade 13, all funded on the basis of the continuation school rates in those years, the early 1920s through to 1966.

Mr. Allen: To add to the point, in 1896, An Act consolidating and revising the Public School Acts, 59 Vict. c. 70, gave legislative authorization to the long-standing local practice in public school boards of offering the fifth class, and in 1899, An Act to improve the Laws respecting Public Schools extended that right to separate schools, so the date 1899 is quite correct, and is quite firm legislatively, as I understand it.

Mr. Chairman: I call Dr. Allen as a witness in the Supreme Court or Court of Appeal situation. It is always handy having a historian on the committee.

10:40 a.m.

Mr. Copeland: As indicated by Mr. Mitchell, our only problem is the present inability to lay hands on tangible evidence that dollars and cents did flow in 1899 or 1900. The legislation was enabling. At the moment we do not have factual evidence as to the precise date of the first payment that went out to a board; so there are some cautions there.

The second substantive matter in the third draft differing from that in the second draft was the deletion of the reference to the removal of members of boards of education elected by separate school electors upon the extension of the Roman Catholic separate school board.

The third is the first provision in section 136h in the T3 draft, creating an exception to the limitation on funding of one grade at a time in the case of an en bloc transfer of a French-language school or French-language classes and the provision for exemption from secondary school rates imposed by a board of education, now required in the third draft to commence with the calendar year following extension. That is subsection 136i(2).

Subsection 136j(2) in the third draft is a requirement that Roman Catholic school boards must prepare and adopt secondary school estimates. References in the second draft to the planning and implementation commission were deleted in the third draft. We were still toying

with the idea at that time that it might be more appropriate to have a separate bill for the planning and implementation commission, rather than incorporating it as part of this bill.

The package as designed to that point, and as it appears now in Bill 30, is really an amendment to the part of the Education Act dealing with separate schools. We wondered whether it was appropriate to have the establishment clause in legislation for the planning and implementation commission placed there or somewhere else. Temporarily, references to the planning and implementation commission were deleted. You can see them removed to add in complementary amendments to the Education Act in the case at hand, to provide an access right to a pupil whose right to attend was limited to section 43 of the act.

A youngster whose sole-support parent is not being assessed for school taxes and who boarded in a home that is going to be assessed for school taxes is deemed to have rights to attend school depending on the nature of the direction of assessment for the home where the child resides. We wanted to make sure that issue was covered. The complementary amendments at that point also permitted corporations to support Roman Catholic school boards at the secondary-education tax level.

The last substantive change we identified is a further complementary amendment to enable the Essex County Roman Catholic Secondary School Board to acquire the French-language high school in Essex county, if the Essex county separate school board decided to extend. The problem is that the act of 1977 imposed a statutory obligation on the board of education to maintain that high school. Obviously, that has to be avoided or there will be a conflict.

Comparing the T4 draft with the T3 draft—and here we are covering off both worlds—we added the preamble and left the purpose clause in. The preamble is essentially the same, with some modifications such as date change. Typographical error crept in at the first instance and people like to toy with it. Substantially, the preamble is the same throughout.

We reinserted the provisions relating to the role of the planning and implementation commission in property transfers and we extended that role to include teacher transfers. The reference is section 136q. In section 136r, power was given in this draft to cabinet to make orders in respect to property transfers, teaching staff, reduction procedures and compensation for property transfers.

The fifth draft, T5 as compared with T4, removed the purpose clause. We got that finally settled.

As well subsection 136d(4), the eligibility for the Roman Catholic school board to obtain funding, was made dependent upon compliance with all the provisions of the bill, rather than, as heretofore had been provided, with mere compliance with the regulations. There seemed to be little purpose in having to duplicate what was in the bill and in the regulations, so it seemed an appropriate change to make.

Third, the references to the removal of members of boards of education elected by separate school electors upon extension of a Roman Catholic separate school board—that had been in and then out and then back in again—were made to apply to 1988 and subsequent years. The reference is section 136g.

Mr. Chairman: That is not what we have in the final draft, though.

Mr. Copeland: It is there in relation to 1988 but it has been changed. As I say, that provision keeps changing backwards and forwards. It has really been redefined more than anything else in the present bill.

Section 136j, the nondiscrimination in employment provision, is amended to include all employees in secondary schools in contact with pupils, but at the same time is limited to such persons whose employment was terminated by a public board as a consequence of extension.

Section 136l was written to enable a board of education to provide or purchase religious education programs for Roman Catholic separate school pupils for a period of five years after extension of the coterminous Roman Catholic school board.

Section 136m is a new provision which essentially abandons the concept of housekeeping amendments of the Education Act as part of or concurrent with the extension bill.

Subsection 136o(2) is the requirement imposed on the planning and implementation commission to report to the minister as required by the minister. Subsection 136o(4) requires the planning and implementation commission to consider the effect of extension on employees of the secondary schools who have contact with pupils.

10:50 a.m.

Subsection 136s(1) was amended to include staff other than teaching staff as a subject matter of board-to-board negotiations that are required

and monitored by the planning and implementation commission.

Section 136t is a complementary change to accord with the notion introduced in this draft of employees who have contact with pupils. An amendment was added to provide an access right to attend in those cases limited to section 43 of the act, which was deleted as really complementary to the notion that the bill, as a package, should be read to govern other matters in the Education Act that would include access rights, for example. If you take that approach, there is really no need to have a complementary amendment dealing with specific access rights.

Mr. Chairman: May I interrupt just for a second? In this first draft, then, as far as the commission is concerned, we see the growth of its role at this stage in mediation and other matters. This is getting to be much more the shape of the commission we see at the end than it was at the beginning.

Mr. Mitchell: That is right.

Mr. Copeland: Yes.

We were at the fifth draft here. I am sure members will notice that from this point the bill just expands in volume as more and more detail is added, partly supplanting other detail, but substantially the principles remain more or less intact from this point in the draft.

Mr. Mitchell: In the interest of a little variety and preserving Mr. Copeland's vocal cords, I wonder if perhaps we could have Mrs. Church participate in the presentation at this point.

Mr. Chairman: The one other thing about which I was not really sure, and perhaps you would respond, is this last matter of the access question being deleted as covered by the rest of the act. It comes back in, does it not?

Mr. Mitchell: Yes, it does very clearly.

Mr. Chairman: That is just something that was a temporary aberration.

Mr. Mitchell: That again was as a result of continuing and extensive consultations, primarily with the planning and implementation commission.

Mrs. Church: Beginning with the T6 version, a new concept was introduced that imposed, on a separate board that wished to extend, the requirement to operate a secondary school, upon its election to extend. There was another provision then which enabled the separate board that did extend to purchase education only when it was operating at least one secondary school.

Mr. Chairman: Were these maintained?

Mrs. Church: No. These provisions were dropped in later versions of the bill.

Mr. Copeland: Basically, the reason is there is one very small separate board which is what we call a nonoperating board. In other words, it is and has been for some years now purchasing education rather than providing it at the elementary level. It happens to be one that now wishes to purchase education at the secondary level as well.

Mr. Chairman: It is logical to put it back in; otherwise you are also blunting the overall right of a board that was in that position ever to develop a full set of programs, as was the intent of the bill.

Mrs. Church: This subsection was added in connection with the removal of separate school representatives from boards of education, which would have enabled a board member elected by separate school electors to remain until the end of the term of office to which he was elected.

Another concept that made its appearance in the T6 version was that of the designated list of public board employees terminated as a result of extension of the coterminous Roman Catholic separate school board.

Mr. Chairman: What section are you on?

Mrs. Church: These are subsections 136l(1) and 136l(4). The latter required the Roman Catholic school board in that area to employee persons designated as redundant by the public board.

In subsections 136l(5) and (6), the nondiscrimination requirement imposed on separate boards was expanded to cover not just the teaching employees but all who were moved to the separate board from the designated list, former employees of the public board.

Another new provision was the enforcement of rights and duties that are created in the bill, and this was given over to the Divisional Court.

The responsibility of the planning and implementation commission to maintain an awareness of the progress of implementation and the effects of extension was added, and certain previous provisions in the T5 version were deleted as a result of this change.

The implementation plans prepared by the separate boards wishing to extend were required now to make provisions for staff other than teaching staff and this concept has been retained through to Bill 30.

Because the plans filed by separate boards at this point were conceived as multi-year, provi-

sion was made to enable them to be amended to correspond to changes that might take place but were not foreseen at the time plans were initially developed.

A further new provision was a sunset clause providing for the termination of the planning and implementation commission as of July 1, 1990, at which time it was considered its role would have been fulfilled.

Mr. Chairman: There was a change in that later on again.

Mrs. Church: Yes. It has been delayed by a further five years. It terminates in 1995.

Mr. Chairman: Was that the first time the sunset notion was introduced?

Mrs. Church: That is correct.

Mr. Mitchell: One might notice as well that this does not necessarily coincide with the termination date in the order in council which gave birth to the commission. In fact, when the 1990 date went in, we fully expected it might have to be adjusted as well, which it subsequently was.

Mrs. Church: Moving on to the T7 version, the changes from T6 were minimal. One was to insert a provision forbidding the public board from terminating the employment of someone who had appeared on a designated list and was not employed by the Catholic school board. Related to this, there was a requirement placed on the Roman Catholic school board to offer employment first to those persons on the designated list before going outside to fill any vacancies it might have. Again, this concept was carried through and is found in Bill 30.

In the T8 version, the requirement that the separate school board operate a secondary school is removed. For the first time we now have a transitional provision appearing to cover off extension of boards in the 1985 school year. Again, as you are aware, this is in Bill 30.

With respect to entitlement to funding, an additional provision was added to enable a school board that offers grades 9 and 10 for the first time, upon its election to extend, to receive funding for both those years. After that they will be receiving funding at the rate of one year at a time.

Mr. Mitchell: If I may interrupt for just a moment, for the benefit of the members of the committee who are trying to follow what you are saying in their copies of the bill, you might just refer to the section numbers. It might help them to find it quickly.

Mrs. Church: The funding entitlement appears in subsection 136g(2).

11 a.m.

In subsection 136i(3) we are again reverting to the question of when members elected to boards of education by separate school electors should come off the board. Here the decision is again that they should be removed at the end of the first school year following the extension of the separate school board.

Mr. Mitchell: One more version of that division.

Mrs. Church: Another new feature that has been retained is the incorporation of the protection of salary and seniority rights of designated persons by the public board when they become employed by the Roman Catholic school board.

Mr. Chairman: Why is that so late coming in, this being the eighth draft? I would have presumed that would have been in earlier.

Mrs. Church: It apparently came in with this T8 version, yes.

Provision is also made in section 136m for the resolution of staff disputes respecting persons on the designated list. The mechanism provided was for employment-dispute settlement boards to be appointed by the minister.

Where a pupil has been educated in a public secondary school but his parents are separate school supporters with the result that the tax support has gone over to the separate board but the pupil wishes to remain with the public system, in the earlier drafts the minister had been paying the fees. Here we switched to the concept that is general in the Education Act where the board that receives the tax support pays fees on behalf of the pupil.

Mr. Mitchell: Mr. Chairman, I wish to intervene for just a moment in response to your comment of a few moments ago. We initially thought global wording would do for the protections, but as we talked to people and thought about it more, we became more and more convinced that perhaps, for perception alone, these things needed to be spelled out more discretely than they were in the first instance. I do not think it was a case of not having thought that those protections were in there in the first place; it is just that we had not thought they needed to be spelled out to the extent we finally decided they had to be, that is all.

Mr. Allen: You refer to your discovery of the need later to amplify and to be more specific with regard to those protections. Where does the global wording exist in the earlier drafts that

provides for the global protection? In our attempt to run through the bill looking for that, it seemed to escape our notice.

Mrs. Church: I believe the designated-list concept appeared in roughly T4. I would like to verify that.

Mr. Mitchell: Just to make sure I have not got everyone off the track here, all I am saying is that the designated list was the beginning of the vehicle to protect people impacted by this policy. I was just responding to the chairman's comment that it was not until a considerably later version that we started being more specific about salary and seniority. That is all I meant.

Mr. Chairman: So the thought was that the mention of a designated list was enough to cover all the aspects of that person's employment.

Mr. Davis: I wonder whether one of the members could comment on this. As you follow the drafts, beginning with draft 1 all the way through to draft 8, there is reference in the first draft and in the fourth draft—the sections keep changing; it is hard to follow it, but it follows through—to a section that allows an order by the Lieutenant Governor in Council to ask the commission, when you get to an impasse, to require the Roman Catholic school board to pay compensation to the public board in respect of real property or personal property or both, and to fix the amount or the method of calculating the amount of compensation, prescribed terms and conditions in respect of the payment of that compensation.

That follows all the way through until the eighth draft when that responsibility is moved from the committee back to the Ontario Municipal Board. There is the same kind of jurisdiction for the compensation of public board property. When you move to draft 9 it disappears, as it does through all the rest of it. Can someone comment on why that was taken out? That is one of the key areas that keeps coming up in conversation with respect to the transfer of property: How do we compensate the board?

Mr. Chairman: Does someone wish to reply about the instruction you were given on what you were asked to respond to?

Mr. Mitchell: Perhaps Mr. Copeland could comment on that.

Mr. Copeland: I do not think I could comment on either why it was in or why it came out. I agree, though, that matters of compensation for school board properties—essentially, I suppose, we are talking about board of education properties—are a very serious issue, not only

respecting this policy but also in a larger context because of the divergence of opinion that is likely to exist between the board that has the asset and possibly the ministry or the government, which is inclined to view the property not as an asset but as an educational facility.

Quite clearly, from the perspective of a board of education, as an asset the property ceases to have a purpose as an educational facility either by reason of declining enrolment or by reason of poor location, although it may very well have a value any asset would have, whereas from the point of view of the provision of accommodation it retains the purpose of an educational facility.

11:10 a.m.

One must compound that divergence of view with questions of real value. As a property's value escalates, whether as a result of inflationary increase or just a normal increase in property values, the amount of compensation should take that increase into account. Whether the compensation allowed should result in the government having to pay twice in effect for the same building and, if so, at what fixed value, as well as the further complication of who has an equity in the building, and whether you consider that to be a vested interest of separate school supporters at the secondary level, if indeed it is a secondary school building, all lead to the view that this is a fairly sensitive and touchy issue on which it is hard to get a handle.

The manner in which it is dealt with substantially becomes a policy issue, and whether it is appropriate to spell it out specifically in the bill or it is something that can be dealt with obliquely seems to get us away from the question of whether it should be in or out, from a civil service approach.

Mr. Chairman: I think we are getting a long answer which essentially indicates the question was inappropriately addressed to you. Mr. Davis, your point was well taken. It seems to have come out in the former administration and has been left out with the present one. Perhaps when the minister returns we can ask him about a policy rationale behind it; that might be more appropriate than approaching the draftspeople on it.

Mr. Davis: I should point out that under the present Education Act, I believe a public education board or a separate school board can offer a building for sale, provided it meets certain criteria; once it has met those and the building has not been acquired by either another school jurisdiction or the municipality, it is free to sell it to the highest bidder.

I believe there is also a formula. When that is put into effect, a certain percentage goes back to the ministry, but a certain percentage is retained by the school board. Many of them use that for capital or for the purchase of capital equipment they want to improve or build new programs.

I think it has significance in our discussions, and I think you are quite correct, it is something the minister perhaps should attempt to address.

Mr. Chairman: I think it is important that you have highlighted it, but I have a feeling it becomes a matter of policy that should be addressed to the minister. There was a supplementary; is it on the drafting side of this?

Mr. Jackson: Yes; it has to do with building on this specific point. One factor is the notion of moving it from the planning and implementation commission ruling to that of the Ontario Municipal Board. Perhaps you can share with us the thinking at that stage of its evolution as opposed to when it was conceived and then dropped.

The second question has to do with whether there had been any thought about the distinction between a capital building and educational chattels or the kinds of assets that could be transferred, shifted or manipulated in effect by one board, which could essentially empty a school and put a lot of older capital equipment into it prior to transferring it. I see a process of arbitration being required there, or review and ruling.

Mr. Mitchell: Mr. Chairman, perhaps Mr. Copeland understood the first part of the question, but I did not entirely. It is not quite clear to me what he meant.

Mr. Jackson: There was an interesting evolution in the treatment of the transfer of fixed assets. In the initial stages, as I understand from examining the drafts, it was to be handled by the planning and implementation commission, using its own regulations or rules. Then it evolved to an OMB ruling. I wanted to know what the thought was in the drafting that brought about that change.

Mr. Mitchell: About all we can say is that as different people had a look at what we had proposed at different stages and applied their thoughts to it, different ideas popped out. That is perhaps a bit of an oversimplification, but in many instances it was as simple as that.

Mr. Jackson: Was there not a legal reason for it?

Mr. Mitchell: Not really. It was more a case of policy suggestions. Different people came up with alternative ways of dealing with this kind of

problem, more from a policy standpoint than from a legal one.

Mr. Copeland: From a legal standpoint, the issue is a relatively simple one: How do you fairly allow for the appropriate interests to be represented when the issue is under consideration? For example, you might say the two interests involved in a property transfer are the two boards concerned: the board of education that owns the building and the other board that wants to acquire it.

It may be that is too simple. It may be, as we have seen the fuss that is created when a school is closed, that there is a multitude of interests that seem to be of concern, such as the local ratepayers' group which has an affinity to the school, the teaching and other staff of the school who will have to be relocated if it is closed, and the pupils who live in the immediate portion of the attendance area and will have to be relocated to another school.

There are perhaps interests other than simply those of the two boards concerned who might well be looking at this as an asset and asking things like: "What is its value? When can we have it?"

The Ontario Municipal Board, with its capability of extending the right to appear and make presentations, is a viable alternative, as would be a tribunal. The planning and implementation commission has powers of conducting public hearings. There are a number of possibilities. The basic reason for having the OMB is that it does have a section involving the old Land Compensation Board if compensation is the essential issue.

From a legal point of view, the major feature is to be reasonably satisfied, whatever process is provided, that there will be appropriate input. It is a clear suggestion the board does not live and exist in a vacuum, but that in any disagreement it would have to be representative of the other groups; the supporters, the teachers, the students and so on. It may well be those kinds of issues can be resolved internally before the board dispute becomes a concern.

Mr. Chairman: Again on this matter, it might be wise to deal with this as a policy matter and ask the present minister. Even though the change took place before it became his jurisdiction, he has maintained it. What we are hearing essentially is that options could be looked at that seem to have similar legal status; maybe we can ask the minister again—and I presume this will be a continuing kind of discussion—as to the best kind of process.

You did have a second portion, though, which was the differentiation between education chattels and capital property.

Mr. Jackson: I would hope we would have clarification from the planning and implementation commission, at least on its thoughts on that point before we go into those communities where it is clear a school is going to be transferred. It is not uncommon for a school that is about to be transferred to be emptied of its best assets; they are redistributed and the lowest-quality chattels are left for redundancy and sale.

11:20 a.m.

Mr. Chairman: Would you like me to make a fairly generalized request of the commission members to give us their thoughts in this area? Perhaps we could provide them with Hansard up to this point so they will have an idea of the terms we are talking about.

Mr. Jackson: The question I asked of the commission yesterday was, what did it hear on this point? I think it is important to see if there was any clear consensus coming across then and if that has changed now.

Mr. Chairman: I will do that on behalf of the committee.

Mr. Davis: Mr. Jackson just talked about capital equipment in schools. I think it is important the commission also reflects for us how it deals with that equipment that might have been placed by the local home and school association, out of the local school budget, and by students who have raised the money for some of that equipment. That needs to be addressed so we have an idea of what they feel.

We can tie that to the other question.

Mr. Chairman: Mr. Jackson, I think you still lack an answer to the question of differentiation here, or some coverage of the chattels rather than just the larger school property.

Mr. Davis: If it is appropriate at this point, I notice the minister has returned and he might like to take a crack at—

Mr. Chairman: We will come back to that in a second. I can apprise him of what we have been talking about while we get a start to the answer, if there is one, on this differentiation. I will let him know what has been going on.

Mr. Mitchell: Just before I ask Mr. Copeland to give you an answer on that, I would say in reference to the first part of Mr. Jackson's question and comment, the earlier model did not really involve the commission to such a great extent. It required the commission, in its efforts

to try to resolve this kind of dispute, as a last resort to come to the minister with recommendations. The minister would then have that put into an order in council that would result in a vesting procedure. That was one of the earlier models we subsequently moved away from.

Mr. Copeland, would you care to have a stab at the second part of that question?

Mr. Copeland: I do not know that there really is a good answer to the question. Personally, I wish there was a simple approach that could be recommended, but I fear there is not; for a couple of reasons.

First, it is almost impossible to generalize. In those areas where there has been a marked decline in enrolment there are probably a number of closed schools. Unfortunately, they may not be the kinds of schools one would now want to have. In other words, the progression in declining enrolment at the elementary level has led to the closing of elementary schools which may or may not be all that suitable for secondary purposes without fairly massive modifications. Indeed, some of those buildings have already been modified by boards of education for commercial or other purposes that the board of education has thought would be an appropriate use for the building.

In other areas there are older buildings which, despite the declining enrolment, have been kept operational at a much lower level of occupancy. Goodness only knows the extent of the deterioration, if you can call it that, or out-of-date conditions that may exist in closed classrooms.

Obviously, if you are going to make a demand or request for a building, you want to get the best one available. With a newer, more modern structure you will not be stuck with tremendous heating and lighting bills. It is the desire of the board that has it to retain it at all costs and make available one that is a real dog on the market. It is such a complex thing and is coloured by simple human emotions: "We want to keep that school at all costs. It means something to this board."

I do not know that there is a helpful answer. One hesitates to say this, but I think it probably suggests the intervention of an impartial body such as the planning and implementation commission to sort it all out. I recognize that as soon as one says that, in those areas where there are local concerns it may seem reasonably high-handed to insert into the middle some impartial organization from afar. I really do not know whether there is an answer.

Mr. Mitchell: I wonder whether that non-answer dealt with the question.

Mr. Chairman: Not directly; I would like to move at this point to the larger question. Perhaps Mr. Jackson or Mr. Davis could pose the question to the minister as he would like it framed. I have tried to explain the background of what we have been discussing, but if you could pose the question that would be useful.

Mr. Davis: As one goes through the drafts, there is a section starting at the first draft up to about the eighth draft, but included in the eighth draft. One cannot follow the sections because they keep changing numbers. In effect, it says there can be an order in council for a committee to require the Roman Catholic school board to pay compensation to the public board in respect of real property or personal property or both, the use or ownership of which is transferred by the order; to fix the amount or the method of calculating the amount of compensation, and prescribe terms and conditions in respect of the payment of that compensation. That is incorporated right up until the last one.

It changes. At that point, it is under the jurisdiction of what we will call PIC, the planning and implementation commission. Then in draft 8 it changes, and that responsibility becomes the responsibility of the Ontario Municipal Board. It is under section 136x and deals with disputes between boards.

Why was that section of compensation removed in our present draft legislation? Is there any rationale on the eighth draft, other than what has been explained to us by the members of the panel, that jurisdiction is moved from the PIC to the OMB?

11:30 a.m.

Hon. Mr. Conway: To answer the second question first, I do not intend to speak to any great degree on the particulars of the first nine drafts, but it was my feeling the adjudication and arbitration of those matters that were eligible for negotiation between boards should be done, to the extent it had to be done, by a body or agency that had experience with and knowledge of the issues and questions related thereto. I felt the planning and implementation commission would bring a better understanding—and I do not mean this to slight any of my friends on the municipal board, one of whom has been added recently from the Scarborough area—there was a better case for having a body or agency like the commission which would have, under the world as I see it evolving, a particular understanding and expertise on the issues that would be in dispute in these matters.

I also imagined the municipal board, which would not bring the same degree of expertise and understanding to these matters, might require additional membership to deal with them. In that case, although that was a secondary concern, I felt if we had to create, as I believe we do, this kind of agency or arbitration mechanism, it would make more sense to bring to bear the particular experience and understanding of a group such as the planning and implementation commission.

In answer to the first question, I repeat what I said yesterday. I expect in the course of the coming years there will be a variety of creative arrangements that involve leasing arrangements in the first, second, and perhaps later instances. I do not foresee any immediate transfers, although they may develop. It is going to be important they be dealt with on a case-by-case basis. We are going to have to develop some experience with the planning and implementation commission and the process in general before we can task that responsibility.

Mr. Davis: Under the present bill, if I understand it correctly, the only jurisdiction the PIC has is the right to make the transfer of buildings or property. It does not have any jurisdiction—and I stand to be corrected—to require any kind of compensation. I want to point out to you that it is ministry policy that any school jurisdiction at present may sell surplus sites or buildings based on a formula and derive money that it can use for program or capital expenses.

I believe this issue is very important for the quality and maintenance of the public education system. In the current bill, how is the transfer of property looked after if it is not specifically spelled out?

Hon. Mr. Conway: It is also important to understand that the commission has broad powers to advise. It can recommend to the minister on the basis of its experience what kind of additions or adjustments might be required. It is obvious from following the evolution of the various drafts how they reflect the developing experience of the commission. My own feeling is that we are going to have to develop some additional experience, and I expect the commission is going to provide advice on some of these particulars.

In policy terms, I do not expect there will be in the first instance a great transfer. I am going to encourage the leasing arrangements, see what kind of rate of uptake there is and how much student transfer there is. On the basis of that kind of experience and the advice of the commission,

the minister and the government will have to take into account whatever is presented to us at that time.

Mr. Davis: I will make this the last question, although I think the issue is extremely important. Would it be fair to assume that the current minister will take under advisement in his deliberations as we work through Bill 30 in consultation with whoever he consults with, including the planning and implementation commission, some process by which we will incorporate into the amendments we may wish to make some format by which taxpayers will understand how they will be compensated, other than by the goodwill of people through discussions? I think you should consider it.

Hon. Mr. Conway: I reiterate what I said earlier. I will consider all advice and all reasonable suggestions that come forward in the course of this committee. I expect in the first instance we are going to see a considerable emphasis on leasing arrangements. The transfer question, in general, will be dealt with by both the commission and the government on a case-by-case basis.

The answer to your question is, yes, I expect this to be a matter of some interest and debate and I will listen very carefully and take under advisement all suggestions, paying particular attention to reasonable suggestions that will help us resolve this matter.

Mr. Davis: I will certainly keep it before your attention.

Mr. Chairman: As you know, Mr. Davis, this committee has the right to propose amendments to this legislation to send back to the House. I suggest that as a responsible member of the committee, if you feel strongly about this, you should start putting your head to it. Mr. Jackson on this, and then I would like to get to Mr. Timbrell, who has been waiting for some time to ask questions of legal counsel.

Mr. Jackson: On the point of the minister's response, I want to be clear I understood what he said. Are you saying that, given the present legislation, you understand the planning and implementation commission will be able to rule on matters of compensation?

Hon. Mr. Conway: I am saying that under the current legislation the powers of the commission are set out in this connection and it is certainly able to advise on whatever compensation might arise down the road. That is clearly within its ability.

Mr. Jackson: What is its authority in that regard?

Hon. Mr. Conway: Its authority is to provide advice and to develop guidelines that will help the administration of this policy.

Mr. Chairman: Are you saying it advises you and you have the authority under the general act to provide this compensation as you see fit, through its advice and guidelines; or that the commission will have this capacity?

Hon. Mr. Conway: It will be the capacity of the government on the basis of what advice it receives from the planning and implementation commission.

Mr. Jackson: You will be deciding whether public boards are compensated?

Hon. Mr. Conway: In the final analysis, yes. That is clearly as it should be.

Mr. Jackson: In your absence, I was exploring the transfer of capital equipment, which is a very complicated process. In many respects it strikes more at the heart of the delivery of the program to a student if all the best shop equipment is transferred to the school, or if it is retained and the new school to which the Catholic children are moving enjoys brand new equipment. There is the potential for inequity here that causes concern.

I assume I am reading the legislation correctly as saying the planning and implementation commission has full authority in the area of determining which board generates the benefit from the transfer of capital equipment.

Hon. Mr. Conway: Bill 30 is quite clear in setting out the duties of the commission in arbitrating issues that are not settled in discussion between boards. There is the potential here, we hope, for most of that to be resolved between boards. Where it is not, the commission is able, under this legislation, to arbitrate on matters of compensation that arise. It will be in the nature of advice from the commission to the minister.

Mr. Jackson: I appreciate your response. It is going to be a complicated process if it ultimately ends up on your lap. Where there is a transfer of a current asset, there will be an increased burden or pressure on the ministry to replace that with capital upgrading. That is an ongoing problem for school boards across Ontario now.

Hon. Mr. Conway: That is why I have indicated repeatedly, and will emphasize to the very best of my ability, that I expect sharing, leasing and co-operative arrangements to maximize the use of important and, in many cases, expensive facilities or capital equipment.

11:40 a.m.

Mr. Chairman: I would like to move us away from what could develop into a conversation on this issue. I want to let the minister know that on behalf of the committee I will be requesting the commission to give its thoughts on this matter and how it would deal with this. We will be able to provide him with that information as soon as we have received it.

We are still on the eighth draft, as I recall, and we have not even made it to the new administration as yet. I think Mr. Timbrell had questions of Mrs. Church or someone.

Mr. Timbrell: I am looking at page 6, subsection 136l(7), of T8, which appears to be the first draft in which elementary school teachers are specifically excluded from the designation requirement and all the protections that go with it.

This is a subject I have raised a couple of times in the first two days' proceedings. Was this subsection included because you found the provisions of the first seven drafts could have been legally construed to provide the same protection to elementary school teachers as to secondary school teachers?

In relation to that, I thought I heard from ministry officials that they feel the provisions in Bill 30 are broad enough that elementary school teachers are now going to be protected. Is that the case?

Mr. Mitchell: I believe what I said the other day was that the designated list of teachers could include elementary school teachers. The wording in Bill 30 is broad enough to allow that. This provision to which you are referring in the T8 version applies to subsections 4 and 5, which are the hiring provisions. What you are talking about here is the extent to which the government should intervene in the hiring practices of Roman Catholic separate school boards.

As I intimated the other day, our fear was that, if we were not careful, we could be perceived as intervening unduly in the long-established rights and protections of Roman Catholic separate school boards. We wanted to avoid that danger if we could. There are two separate phases of the process.

One is the drawing up of the designated list of teachers impacted by the application of this policy, and the other is the hiring of teachers from that list. We did not want to be perceived as forcing Roman Catholic elementary separate school boards to hire teachers they would not have had to hire under previous guarantees, rights and privileges.

Mr. Timbrell: I understand that and everybody else understands it. The effect of Bill 30 then would be that elementary school staff—I use that broader term to include teachers, administration and support staff—made redundant by a shift of enrolment from the public to the Roman Catholic school system can, and for the purposes of this discussion I will say will, be included on the designated list, but that is as far as it goes.

You are saying Bill 30 would not require the coterminous Roman Catholic school board to hire those people, whereas the board would be required to hire the secondary school people. Is that right?

Mr. Mitchell: The hiring applies to the Roman Catholic school board and the assumption is that the hiring is for positions which have been created by extension into the secondary level and, therefore, you are talking about secondary positions. As I think I intimated the other day, when the board goes to hire people from the designated list for the secondary positions, if they are looking at people with elementary qualifications only they may have a problem. If they are looking at elementary teachers who have both elementary and secondary teaching qualifications, there may not be such a problem.

Mr. Timbrell: Correct me if I am wrong; it may have changed since I was teaching. Am I correct in saying, at least going back 20 years ago when I was in teachers' college, teachers were allowed to teach up to grade 10 with an elementary school teaching certificate? I have mine somewhere. I may need it one of these days, I do not know.

Mr. Mitchell: Since your time—and since my time as well, by the way—the qualifications have been altered somewhat to divisional qualifications. However, essentially it still holds true.

Mr. Timbrell: Therefore, the point is that there could well be, to give an example, somebody who is teaching in a junior high school or a middle school of a public school board made redundant by a significant shift in enrolment and who legally is entitled to teach up to grade 10, but whose only rights provided by this legislation will be to be put on the list, but if a board decides not to hire him he is out of luck.

Mr. Mitchell: Bill 30 puts an obligation on the Roman Catholic school board to hire first from that list for the positions it has created.

Mr. Timbrell: But only in the secondary panel.

Mr. Mitchell: No; the bill does not say that.

Mr. Chairman: The problem Mr. Timbrell has identified, and that you have identified as well, is that the vacancies may well be in the secondary panel and not in the elementary panel. Therefore, if it is elementary teachers who are not eligible to teach in the secondary panel, those people may end up on a list with certain protections in that they would still get paid by the public school system, but their chances of actually getting a job with the separate panel would be very unlikely, given all we have heard from the commission, including its supposition that teachers will move with the students.

Mr. Mitchell: Yes. Just to clarify, we did not want to run the risk of incurring someone's constitutional wrath by being perceived as forcing Roman Catholic separate school boards—elementary, for example—to hire non-Catholic teachers from that list.

Mr. Timbrell: Do we have the benefit of written legal opinion on that? If not, can we get it from you or from the minister?

Mr. Mitchell: I am sorry, I am genuinely not clear on the point on which you think you would like to have a legal opinion.

Mr. Timbrell: You have alluded on at least three or four occasions to potential constitutional conflict if we attempt in this or any other piece of legislation to dictate the terms and conditions of hiring in elementary Roman Catholic separate schools.

Mr. Mitchell: I am not sure in all honesty that we have a written legal opinion. That really was more the legal opinion of our own legal counsel and legislative counsel with whom we were working hand in glove in writing the legislation.

Hon. Mr. Conway: Mr. Timbrell, we can try to get some opinion, perhaps from the Attorney General's department or some other source. Let me just take that under advisement. I would be quite happy to.

Mr. Chairman: I think he has put his finger on a very important matter here, and we should ask for that from the Attorney General. If we do not have that protection for these teachers, then one of the principles outlined high in all of these lists we have seen is not being followed, and that is the protection of all displaced teachers. Some will be more protected than others by the sound of this, and that is not what we are after.

Hon. Mr. Conway: I certainly appreciate what you are saying. There are two factors that are at work in Bill 30. The first is, as Mr. Mitchell has indicated, that there is a duty on the

separate boards to hire from those designated lists. Second, there is the practice to which the commission directed our attention yesterday where, so far, the separate school boards have taken all teachers who were identified as redundant for the purposes of at least first-year extension. The point is well taken.

Mr. Chairman: Mr. Allen, I believe you had a supplementary, unless you have more on this matter, Mr. Timbrell.

Mr. Timbrell: No. I have another subject I want to come back to.

Mr. Chairman: I will come back to you. Mr. Allen, on this subject.

11:50 a.m.

Mr. Allen: I must say you have me slightly confused with regard to the designation of boards with respect to your answer to Mr. Timbrell. On page 2 of Bill 30, in subsection 46(a), there is a new paragraph added to subsection 1(1) of the Education Act, which reads, "'Roman Catholic school board' means a separate school board that has made an election under section 136a or 136f that has been approved by the minister."

That is the same board which hires not only into the secondary but all panels, from elementary through the whole system. It appeared to me in your answer that somehow or other you were discriminating between two functions of that same board with respect to hiring into the elementary and secondary panels, and that while an elementary teacher from the public system might get on to the designated list, he or she might find himself or herself not capable of being hired by that board because it was now a Roman Catholic school board responsible for secondary education.

What is there that precludes, inhibits or makes difficult the functioning of that board as a hirer of that same employee for elementary purposes?

Mr. Mitchell: I am sorry, I did not mean to imply that, Dr. Allen. All I meant was I did not question the authority of the board to hire teachers for both panels. If it is hiring for a position at the senior division level and the teacher it is looking at does not have qualifications for the senior division, then it has a problem. That is all I meant.

Mr. Allen: It was only on the qualification question.

Mr. Mitchell: Yes, absolutely.

Mr. Allen: The rights and protections that cover being hired into the elementary panel, if that were done, would follow from being on the designated list.

Mr. Mitchell: That is the other side of the coin. That is another problem and that is the danger of being perceived as suddenly forcing that part, if you like of the Roman Catholic school board—it used to be called a Roman Catholic separate school board, elementary, which for a long time enjoyed certain rights and privileges protected by legislation—forcing that board to do something it has never been forced to do before in its hiring practices. We saw certain constitutional dangers in that.

Mr. Allen: What you are saying is that while there is a capacity to hire from the board, there is no obligation for the elementary panel.

Mr. Mitchell: Exactly.

Mr. Allen: However, the obligation exists in the secondary panel if there are appropriate positions available to suit the qualifications of the candidate.

Mr. Mitchell: Exactly.

Mr. Allen: None the less, if the hiring is done into the elementary panel, then that teacher would have the protections, as I understood the remarks which were made by one of your staff members the other day. He indicated that in point of law a non-Catholic who was hired into the system at any level would not have imposed upon him the requirements of creed, lifestyle, religious observance and so on. That could not be upheld by the board as a proper requirement.

Mr. Mitchell: The protections go with being on the designated list.

Mr. Allen: Okay.

Mr. Chairman: Mr. Timbrell, do you have another question?

Mr. Timbrell: I will wait till we go to the drafts of the current administration.

Mr. Chairman: I believe we are still on T8.

Mrs. Church: Section 136o of T8 provides for a public board pupil to attend a secondary school operated by the extended separate board. This access provision replaces the earlier one which began as section 136l of T5, and which enabled a public board to provide religious education programs.

With respect to the mandate of the planning and implementation commission, there was an additional clause added to subsection 136s(4) that requires the commission to evaluate the possibility of new or altered areas of jurisdiction for the Roman Catholic school boards.

In section 136t, we now move away from the concept of a multi-year plan to the filing of annual implementation plans until the extension

of a Catholic school board is complete. Complementary to this change in concept, we deleted reference to the provisions for amending plans.

Section 136v places the requirement upon public boards and separate school boards to negotiate where the planning and implementation commission has not been satisfied with their efforts at arriving at implementation plans.

Section 136x creates the provision to deal with an impasse in these board-to-board negotiations—and this was discussed at some length a short while ago—where the Ontario Municipal Board is the body that decides the matter in dispute.

In the complementary amendments to the bill, provision is made in the T8 version for consolidated school boards in the territorial districts. This is in the north, in the more sparsely populated areas. This would be done by means of cabinet regulation. It would require a joint request of the public and separate boards in the area.

Mr. Mitchell: Mrs. Church, I wonder if I might just intervene momentarily on that point. The fact that it read “territorial districts” was really just a slip. Our full intention at that point was simply to incorporate the concept of consolidated school boards for all boards. It was not really meant to read “territorial districts.” That was just an error on our part.

Mrs. Church: In connection with the development of Bill 28, which was going on parallel to this, complementary amendments appear providing that where a separate school board that extends had a French-language advisory committee at the elementary level, the FLAC would also look after the interests of the secondary pupils. There were other complementary amendments dealing with the elimination of additional French-language minority trustees.

In the T9 version of the bill, a distinction appears in section 136l. We talked before in terms of teaching staff and other staff; now supervisory officers have been segregated into a third category. That distinction is retained through to Bill 30. There are the designations of persons no longer required by a public board as a result of extension. A date of January 31 was provided by which the public board had to make its designations.

Subsections 136l(9) and (10) creates the concept of disseminating a list of the persons not employed or designated by the public board and providing this list to the ministry.

12 noon

Subsection 136l(13) speaks of prohibiting discrimination of any kind in hiring by a Roman Catholic school board other than with respect to qualifications or the seniority of persons from a designated list.

Subsection 136o(2) adds the right of access for secondary school pupils in a school operated by the Catholic board to attend a coterminous board of education school.

Section 136x deals with the resolution of impasses in board-to-board disputes. Here the process which had developed, whereby the Ontario Municipal Board determines the matter, is replaced by a ministerial order and cabinet approval after a hearing conducted by a hearing officer.

With respect to the consolidated school boards and the complementary amendments, as Mr. Mitchell pointed out, this was amended to provide that consolidation could take place throughout the province and was not limited to the territorial districts.

That concludes the development of the bill through the end of the T9 version.

Mr. Chairman: At this stage we come to the Liberal administration, having finished with the Conservative administration's work on it to that date.

Mr. Allen: I have not so much a question as an interesting comment or observation about what has developed in terms of policy directions in the course of the first nine drafts.

It was interesting that Mr. Mitchell said that between September and February the ministry and the then minister spent a good deal of time working over the conceptual framework and the main principles that would guide the legislation. However, under that minister and the subsequent ones under the Conservative government, it took until the sixth draft to get designation of employees clear, it took until the eighth draft to get salary protection and it took until the eighth draft to get general pupil access clearly straight. Even at the end of the ninth draft, one still did not have anything on the question of exemption from religious education.

I have been delighted to see the 11th-hour conversion of the Conservative Education critic. I should not say that personally, because he was neither the Education critic nor the minister prior to recent weeks. None the less, it is interesting to see he has come on so strongly on the questions of student access and employee security since he assumed his office. The fact is that it took so long for the policy of the previous administration to

get any of those matters straight in the early drafts of the legislation.

If I could append to that comment a question, one that I noted in the course of reviewing the various drafts and the question of staff disputes and their resolution, I wonder whether the ministry panel before us could tell us whether the Education Relations Commission structure was ever seriously looked at in terms of the resolution of staff disputes.

There is reference to technical problems being resolved through the Ontario Municipal Board structures and provisions on resolution of staff disputes. However, is the Education Relations Commission and the structure of Bill 100 outside this piece of legislation, or does it lie outside your considerations? If so, why? If not, where is it present?

Mr. Mitchell: At various intervals the question was raised as to the propriety of involving the Education Relations Commission in the processes involved in this policy. For various reasons along the way, for the most part it was deemed wiser not to involve them but rather to leave them with a clearer mandate under Bill 100. However, it did arise as a question at various intervals.

Without making any political comment on Dr. Allen's previous observation, I would like to explain that there was not necessarily a linear process in the course of our development of the legislation. In fact, back in September we mulled over various conceptual directions in which the legislation might go; they kept popping up and disappearing again in the legislation in March and April.

There was not necessarily a clear progression from point A to point Z. We went over all the kinds and ways of various possibilities early in the game that were not necessarily included in the first few drafts of the legislation but then began to appear and vice versa. I thought that might be helpful in your understanding of what took place.

Mr. Chairman: I never thought the ministry was caught in a linear mode only, I never had that presumption; however, I am also expecting some sort of political rebuttal in the matter at any point here.

Because we have 25 minutes left before adjournment and since we have our first public presentations this afternoon, it would be nice if we could now move on to the Liberal administration's drafts leading us to Bill 30. If we could continue, that would be great.

Mr. Copeland: In our little paper we have now got to 1T, instead of T1. In comparison to

T9, the first item is the requirement for ministerial approval of the Roman Catholic school board bylaw for extension, two changes having to do with the application of the exemption from secondary school board of education rates—obviously it would have to be tied to the taxation year—and the same kind of relationship to the calendar year for the development of secondary school estimates by the Roman Catholic school board.

Section 136l is the first of a number of changes to thrust the planning and implementation commission more directly into these matters. Subsection 136l(1) contains the creation of guidelines respecting the processes by which employees get to be added to the designated list, obviously a matter of concern to both kinds of boards; and again it is an area in which there may well be a need for third-party intervention.

Subsection 136l(4) is a move to free up the timing at which these lists shall be prepared to accommodate local conditions, the date now to be determined by the planning and implementation commission rather than set out specifically in the statute, as in the earlier draft.

Subsection 136l(5) outlines the nature of supervisory officers' duties on boards so that where a supervisory officer appears on the designated list, there is a requirement the hiring board offer him or her a substantially similar position.

Subsection 136l(9) provides that the planning and implementation commission is to become involved in the correlation of the lists of designated persons and to disseminate those lists to all boards.

Subsections 136l(13) to 136l(16) contain the first approach to deal with the emerging problem over sick leave credits, their transferability and the payment for those unused credits on retirement.

Section 136m is a change away from ad hoc employment dispute settlement boards over to what is in effect a modification of existing collective agreements to provide for a more customary grievance arbitration process.

12:10 p.m.

Subsection 136o(6) provides an exemption for non-Roman Catholic pupils of a Roman Catholic separate board from religious education where the pupil is not voluntarily a pupil of the RCSB.

In subsection 136s(5), the planning and implementation commission is specifically authorized in the legislation to develop guidelines regarding the methodology for designating the

persons on the list as the consequence of separate school extension.

There are changes in section 136 once again, regarding the disposition of impasse resolutions and board-to-board negotiations. There was a move away from the previous draft where the determination was by ministerial order with cabinet approval after a hearing by a hearing officer. It is now to be done through an order issued by the planning and implementation commission made on the basis of a report of the tribunal appointed by the commission to hear the dispute between the boards. Complementary to that is a provision for an appeal by way of petition to cabinet from the order of the planning and implementation commission.

Further refinement of a kind is meant to ensure that those matters provided to be resolved in general terms by the bill must none the less comply with existing laws. We have had some unfortunate experiences in recent times, where a general power to resolve it as was taken to mean, "Yes, we can disregard anything else that may be on the statute books or the regulations in the doing of it." We wanted to avoid that problem.

Then there is the extension of the sunset clause by five years to July 1, 1995.

On the second draft, concerning this matter of the ineligibility of members of boards of education elected by separate school electors, at this point they are found to be ineligible for office at the end of the calendar year as opposed to the school year in which extension of the coterminous RCSB occurs.

There is a refinement of subsection 136l(6). The dissemination of the lists of designated persons now are to disclose the names of the individuals remaining unemployed by the Catholic school boards.

Subsection 136l(11) provides a new right for a person on the designated list to commence his employment with the Roman Catholic school board on the same contract status previously enjoyed with the public board.

Subsections 136l(12) to 136l(18) replace the 1T version, subsections 136l(13) to 136l(16), dealing with transferability and cash surrender value of sick leave credits. In this case, they are to provide that the nontransferable credits remain in the bank to be used for sickness, the wages of the employee to be met by the employing board—the separate school board—and for the gratuity at termination to be, in whole or in part as the case may be, at the expense of the public board in circumstances where the gratuity plan of the Roman Catholic school board provides for a

maximum gratuity benefit of less than one half of a year's salary.

Subsections 136l(19) and 136l(20), amending the earlier T9 provision in subsection 136l(13), now prohibit discrimination on the basis of creed and need to apply with respect to employment and advancement in employment.

Subsections 136o(5) to 136o(11) are a new concept of the provision of hearings by the planning and implementation commission into disputes over the availability of accommodation in access cases, and hearings into the perceived necessity for enrolment of a pupil with the Roman Catholic school board secondary program where the issue is the exemption from religious education classes.

Subsection 136r(7), providing for tribunals to be established within the membership of the planning and implementation commission, is perceived as being necessary in the event that extensive use is made of the hearing capabilities provided in the access and religious education exemption cases.

Subsection 136x(6) actually does establish the criteria that guide the tribunals hearing board-to-board impasse cases in reaching their decisions. We are moving away now from the planning and implementation commission applying criteria and making the order, to imposing the obligation on the tribunal to comply with the criteria in coming to its decision. The decision having been made, the commission is obligated to produce an order consistent with that decision of the tribunal.

Finally, as to the final spit and polish evident in Bill 30 over the second penultimate version of the bill, there are four points.

In subsection 136l(19), the nondiscrimination provision is amended to refer specifically to employment by a Roman Catholic school board of a person on the designated list.

Subsection 136o(6) is an amendment to correct what I am afraid was a slip on our part. The exempting provisions were expressed as being permissive, whereas we had intended that they be mandatory. The change was made that for the person qualified for the exemption, the obligation is imposed on the board to grant the exemption.

Mr. Chairman: Is this Bill 30?

Mr. Copeland: This is the Bill 30 provision.

Mr. Mitchell: These are exemptions from religious education.

Mr. Chairman: This is now Bill 30 itself.

12:20 p.m.

Mr. Copeland: It is the second-to-last draft.

Subsections 136o(12) to 136o(14) are added to clarify the obligation to admit or to exempt, as the case requires, where the commission determines a dispute against a board. In other words, a finding by the commission is implemented by the statute.

The final change is to subsections 136x(6) to (9), which were amended as they appear in Bill 30, to reflect the concept that the tribunal makes the decision in these board-to-board dispute resolutions. The tribunal makes these decisions in accordance with the statutory criteria and transmits the decisions, reasons for decisions and record of the process to the commission, which then makes the order required to implement the decision of the tribunal. Essentially spit and polish on that point.

Mr. Chairman: That is a very exhaustive and perhaps exhausting examination of all the drafts.

I notice the dropping of the consolidated board did not take place until the second draft of the Liberal administration. It disappeared very late on. The discrimination on the basis of creed alone, rather than the more general subsection 19 that had been in previous sections, also happened in 2T. It was very late on that we moved to the notion of creed, with which some members had difficulty in the breadth of its implications.

I suggest members take the next few minutes to note their concerns rather than trying to get into too much depth of examination of the minister on policy matters. Perhaps we can come back to those later.

Mr. Timbrell: I wanted one clarification in regard to 2T and Bill 30, which is 3T in essence. Is the effect of subsections 136l(19) and (20) to grant protection against discriminatory hiring and employment practices to all teachers in the employ of Roman Catholic school boards, whether they are hired from a designated list or however they are there, or however long they have been there?

Mr. Mitchell: No; it applies exclusively to teachers on the designated list.

Mr. Timbrell: That explains why you have changed the wording in Bill 30. Is that right?

Mr. Mitchell: I am sorry?

Mr. Timbrell: In 2T it simply says, "The Roman Catholic school board shall not discriminate on the basis of creed with respect to employment." In Bill 30 it says, "The Roman Catholic school board shall not discriminate on the basis of creed with respect to employment

against any person designated by the public board."

Mr. Mitchell: Yes. My recollection is that our intent all along was to have it apply exclusively to people on the designated list. The previous version was a slip on our part.

Mr. Timbrell: I see.

Mr. Mitchell: The other point you might note in the other subsection you mentioned is that the protections apply to employment and advancement in employment. Various parties made the point to us that we should protect advancement opportunities so there would not be any kind of discrimination in that regard.

Mr. Timbrell: It struck me forcefully. Given your earlier comments about the legal aspect and constitutional protection you believe the separate school system has to discriminate, I wondered why this wording ended up in 2T.

Mr. Mitchell: It was a slip more than anything else. I do not know if any of my colleagues wish to comment on that.

Mrs. Church: Mr. Mitchell is right. In the process of refining the drafts and seeing that we had omitted it, we did make changes.

Mr. Mitchell: It was not a major intentional policy shift at all.

Mr. Chairman: Given the number of changes that took place in these interminable drafts, it is a wonder there were not more omissions of appropriate wording. Are there other matters by members of the group?

Hon. Mr. Conway: I can simply reiterate very much what Mr. Mitchell has said. It was the intention, certainly on my part, that those protections attach to the designated list and therefore there was never any intention on our part—

Mr. Mitchell: As a matter of fact, in the process of making that omission in 2T, we ran the risk of giving one or two senior officials in the ministry a heart attack.

Hon. Mr. Conway: The other thing I should indicate, just so people have a better understanding, is that the administration changed formally on about June 26. Three or four days before that, Mr. Grossman and I met, at which time he transmitted the drafts and the discussion paper and we began immediately. Over the course of that period, June 26 through the date of the bill's introduction, which was July 4, and at the time this was going on, I was meeting with the commission and trying frantically to understand

some of or as much of what had gone on before to relate that to what the commission had.

A lot of these discussions went on well into the night of those seven or eight days. Some of the clarifications, certainly in terms of the drafts with which we worked, are in part explained by the conditions under which we were working. I do not say that apologetically. It was an honest effort to develop legislation and get it before the House at the earliest opportunity.

Mr. Chairman: Some of those members who were surprised there had been as many as nine drafts can now understand how this has evolved. This process has been very useful for us this morning. I remind members that you do have the help of the summary from the library research group to refer to at any time you want to go back to this process.

Dr. Allen, you had one matter?

Mr. Allen: Very briefly—not that it can be answered briefly, or I suppose it cannot be answered briefly—we were on the first day given a document titled, Extension of Funding Bill, Legislative Options, which I believe was a document based on the amendments proposed by the commission to the ministry along the way. Could you tell us at what point the amendments from the commission came before you in this sequence of drafts, and briefly tell us whether there is any notable discrepancy between amendments or directions recommended by it and the ultimate draft that has come before us?

Mr. Mitchell: I will be as brief as I can. The commission submitted recommendations for legislation in the first instance, which we took into account. Then, as we generated drafts of the legislation at periodic intervals, we gave the commission drafts to comment on. On several occasions, we met with the members and discussed the drafts with them nose-to-nose. That took place, as I say, on several occasions throughout the winter.

The document to which you first referred is not just commission reactions to and comments on draft legislation. At least I believe the one you are referring to is a collection of excerpts from various drafts of the legislation, as well as from recommendations from the commission and from reactions of the commission to draft legislation. It was a montage of bits and pieces out of the various drafts in an effort to demonstrate that there could, in fact, be various ways of wording various provisions in the bill, provisions which would meet the basic principles of the bill.

It was done at the stage at which we were consulting with some of the major constituencies

in the educational community outside of the ministry and trying to get their reaction to various ways of approaching some of the basic principles in the bill.

That document was nothing more than that. It served a very useful purpose, but it is not a document that you can read with any kind of comprehension or consistency because it is just a collection of excerpts from various drafts at various times.

Mr. Allen: Is it true that the centre panel in the three is essentially the observations or reactions of the commission?

Mr. Mitchell: Not consistently, no. As you will see from that document, we did not identify where the options came from. The reason for this was simply that this was not the purpose of the exercise at that point. The purpose was to say: "Here is an issue or a basic principle in the bill. Here are two or three different ways of approaching it. Which one tickles your fancy most; with

which one do you have the most problem; and more important, why?"

That was the kind of consultation that was going on with the outside constituencies at that point. We intentionally did not identify where those options came from at that time.

Mr. Chairman: A dangerous suggestion, trying to titillate the outside public on this sort of thing, Mr. Mitchell. I would like to thank you, Mr. Kirkwood, Mr. Copeland and Mr. Mitchell, for your help.

This afternoon, I would remind committee members, we meet with our first public presenters, the Ontario Teachers' Federation. Thank you to those who held back on the smoking. I am sure it was a great relief for those involved. You are at this time able to leave your materials here in the room—it will be secured over the lunch hour—and we resume at two o'clock.

The committee recessed at 12:32 p.m.

CONTENTS

Thursday, July 18, 1985

| | |
|---|-------|
| Education Amendment Act, Bill 30, Mr. Conway, recessed | S-117 |
| Recess | S-137 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Conway, Hon. S. G., Minister of Education (Renfrew North L)
 Davis, W. C. (Scarborough Centre PC)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Offer, S. (Mississauga North L)
 Smith, D. W. (Lambton L)
 Timbrell, D. R. (Don Mills PC)

From the Ministry of Education:

Church, A., Legislation Officer, Legislation Branch
 Copeland, R. A., Director, Legal Services-Education
 Mitchell, W. T., Director, Legislation Branch



No. S-6

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Thursday, July 18, 1985
Afternoon Sitting

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, July 18, 1985

The committee resumed at 2:02 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: Seeing a limited but visible quorum, I call the meeting to order on the basis that we like to be as prompt as we possibly can in respect for our visitors and deputations being made to us.

Committee members have received information from the Ontario Teachers' Federation and documentation on other exhibits. The clerk has labelled these by exhibit number which will be tied to the time of the presentation as closely as possible. For the OTF presentation, it is exhibit 5. Exhibit 6 would be the next one to come in.

Instead of having to carry all the exhibits each day, members will be able to bring in the appropriate one. Exhibit 5 will come up today. The agenda for Monday will include the numbers of the exhibits members will need for that day's presentation. It is not that they will come specifically in the order of 1, 2, 3, 4, 5, but that the numbers will be listed with the groups that come forward.

I would ask the federation representatives to come forward and meet the committee. Before you start, because we have more people than microphones, could you move a little so that Hansard can hear you?

Welcome to the committee and thank you for being able to come so promptly. You are the first deputation and will be setting the tone today. We appreciate your efforts. Please introduce your group so the committee members can know them. We all have labels so you can recognize us.

ONTARIO TEACHERS' FEDERATION

Miss Westcott: I am pleased to introduce the representatives of the Ontario Teachers' Federation who are with me today. On my immediate left is Malcolm Buchanan, our past president, and Doug McAndless, our second vice-president. On my right is Margaret Wilson, our secretary-treasurer, and Jim Carey, executive assistant with OTF. Other members of the OTF

executive who are with me are Frank Kavanagh, John Fauteux and Jacques Schryburt.

Unfortunately, not all our table officers were able to be with us today because of previous commitments. We are involved in some of the summer courses that are being offered, in making presentations and such like, so we could not all release ourselves for today.

Mr. Chairman: We appreciate that as many of you have come as possible. It is great.

Miss Westcott: During the presentation, I will be making reference to the buff-coloured sheet you have in your folder, but the majority of my comments will be made to the brief we have included. Since you have just received it, I intend to go through the whole brief and then we will be open to questions and discussion afterwards.

Mr. Chairman: I gather from what you were saying to me earlier that you would like to make another presentation.

Miss Westcott: Yes. I will be making that point. We are going to be dealing with only part of the proposed legislation today. As I go through, I will be making the point as to why we wish to come back and meet with you further.

Mr. Chairman: Good. Please proceed.

Miss Westcott: First of all, we welcome the opportunity to make the first public presentation to the standing committee on social development regarding the amendment to the Education Act granting that a separate school board may elect to perform the duties of a secondary school board for the area of jurisdiction of the board.

The Ontario Teachers' Federation was established in 1944 under the Teaching Profession Act and represents more than 104,000 teachers employed in publicly supported elementary and secondary schools. OTF comprises five affiliates: L'Association des enseignants franco-ontariens, the Federation of Women Teachers' Associations of Ontario, the Ontario English Catholic Teachers' Association, the Ontario Public School Teachers' Federation and the Ontario Secondary School Teachers' Federation. No doubt you know them as well by their initials as by their full names.

The extension of funding to the Roman Catholic secondary schools and Bill 30 present many issues for Ontario teachers. The positions

we present to you today have the strong support of the five affiliates of the Ontario Teachers' Federation.

OTF has been pleased with the participation we have had with the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario during this year, in the role of consultation. Our presentation to the commission last November addressed our major concerns involved in the implementation of this change in government policy. We would be pleased to present a copy of that, if you would like it, in addition to what we present today.

In February 1985, OTF presented Common Guidelines on Staffing and Contractual Issues re Expansion of Roman Catholic School Boards to the planning and implementation commission. The commission subsequently distributed these guidelines to school boards for consideration when completing their plans, and this is what you have in your folder today.

OTF regrets the short time frame between the first and second reading of Bill 30 in the Legislature and our presentation to the social development committee. Due to this short period, OTF has not had the opportunity to study the entire legislation as thoroughly as it deems necessary.

We wish to address the sections of the legislation that pertain to the just treatment of teachers who will have their careers disrupted by the passage of this proposed legislation.

OTF requests the opportunity to return to the committee hearings at a later date to discuss in detail areas of the bill that will not be covered in depth today. One area of particular import for a later presentation will involve sections 136r to 136y pertaining to the continuance and the criteria established for the planning and implementation commission.

The purpose of our presentation today is to give an overview reaction to the act to amend the Education Act, particularly as found in sections 136l through 136q. Throughout our presentation, we will be referring to the Common Guidelines on Staffing and Contractual Issues, as I have mentioned, and you have a copy.

2:10 p.m.

In section 136l(1) of the proposed legislation, OTF believes that "positions" rather than "persons" should be used when referring to staffing shifts caused by the change in government policy. We suggest the present wording would adversely affect the teaching and other staff who would be designated. The federation believes the

designation of personnel by "person" rather than by "position" adversely affects teachers in the public and separate school systems.

The OTF's position, which we introduced to the commission on February 6, 1985, as our Common Guidelines on Staffing and Contractual Issues re Expansion of Roman Catholic School Boards, is stated in section 5.

"(5) That, by applying the appropriate board of education pupil-teacher ratio or appropriate staffing formula, the commission shall determine:

"(a) the number of teaching positions within each panel of the board of education's jurisdiction which may be surplus to the requirements of each panel on the basis of normal declining enrolment; and,

"(b) the number of teaching positions within each panel of the board of education's jurisdiction which may be surplus to the requirements of each panel on the basis of declining enrolment related to the expansion of the separate school system.

"(6) That the boards of education shall file with the commission a statement related to program changes in each panel caused by the impact of declining enrolment as a result of the expansion of the separate school system.

"This statement shall outline:

"The number of teaching positions within each panel in excess of the number determined in (5) above which may be surplus to the requirements of each panel due to program changes by the expansion of the separate school system.

"(7) That the commission shall make a determination of the total number of teaching positions in each panel which may be surplus on the basis of (5) and (6) above.

"(8) That a review of the number of students transferring shall take place no later than May 31 of each year."

Further, in section II of the OTF guidelines we stated:

"(1) Once the number of displaced teachers in each panel of the boards of education has been determined, the following procedures shall apply:

"(i) The displaced teachers become the shared responsibility of:

"(a) the provincial government;

"(b) the separate school board;

"(c) the board of education.

"(ii) The separate school board shall determine the nature of the teaching position(s) available in both the elementary and secondary levels and

that number shall be equal to the number established previously.

"(iii) All available positions as per (ii) above shall be posted exclusively within the coterminous boards of education.

"(iv) That any new positions in excess of those available in accordance with (ii) above shall be posted within the coterminous school boards prior to external advertising."

OTF believes the legislation must deal with process, thus permitting the School Boards and Teachers Collective Negotiations Act, 1975—the act we often refer to as Bill 100, although I know there are other Bill 100s—to identify the persons affected by the student enrolment shift.

We suggest that subsection 136l(1) is unduly complicated by including the supervisory officers and other staff within the teaching staff. We believe this could be better handled in a separate subsection, as it is in clause 136l(3)(a) and clause 136l(3)(b).

It would appear that the legislation, as outlined in section 136l, does not take into account the redundant positions caused by the normal decline in student enrolment. Part I of our OTF guidelines addresses in detail the determination of redundant positions caused by declining enrolment and displaced positions caused by the transfer of students to the Roman Catholic school system from the public school system.

OTF believes that the school board must determine the number of teachers displaced and identify designated teachers in consultation with the branch affiliates. This action permits the provisions found in the School Boards and Teachers Collective Negotiations Act, 1975, to be followed.

Subsection 136l(4) requires clarification. Does it refer to hiring other persons currently employed by a coterminous school board or persons from outside the area? The question remains: who will be responsible for teachers still designated?

OTF sees no reason for the inclusion of subsection 136l(6) and subsection 136l(7). What is the purpose of the development of such lists? Do the lists pertain to the coterminous board or boards? What protection, if any, would the teachers have who are placed on the designated lists? Would these lists be distributed province-wide, and what guarantees for employment would a teacher have who was placed on a designated persons list?

The federation finds the reference in subsection 136l(6) and subsection 136l(7) unclear, particularly as it pertains to designated persons

after the first year of the separate school board's plan becomes effective. The OTF wishes to repeat its position, which is that the number of designated positions must be determined by the school boards involved prior to determining the designated persons.

The OTF believes that the legislation should allow for teachers to transfer to the Roman Catholic school board from coterminous boards of education with protection under the legislation, as suggested by the OTF guidelines. We suggest the legislation is weak in not addressing the manner in which voluntary transfers would take place from the public school system. Guarantees should apply to all teachers who move from the public school board to a separate school board, both designated and voluntary.

Subsection 136l(10) appears to be in need of further clarification. While the principle of red-circling is addressed, we do not believe it goes far enough. Is the protection for one year only? Does the same protection apply for a department head or principal, as well as for a teacher? The federation believes that the principle of red-circling should provide the payment of salary not less than what would have been received had the teacher remained in the former employment. This includes full salary, including responsibility allowance, until such time as there is a change in qualifications, experience, or the separate school board's collective agreement which would cause the teacher to be entitled to more salary than is currently being received.

Going on to subsection 136l(11), OTF requests that the standing committee on social development give consideration to splitting the subsection so the matter of contractual status be dealt with separately from seniority rights.

The OTF urges that subsections 136l(12) through 136l(18) be removed and replaced with the following: "(1) Where a teacher within a coterminous jurisdiction under contract with the board of education during 1984-85 or in subsequent years is displaced by the expansion of the separate school system and becomes an employee of a separate school board, such teacher shall be guaranteed the following protection in employment with the separate school board:

"(a) The full recognition of accrued seniority.

"(b) Retirement gratuity rights.

"A teacher shall be provided the option of:

"(i) Integration into the separate school board retirement gratuity plan with full recognition of accrued credits and years of experience held under the board of education or,

"(ii) Maintaining the board of education plan in the form of an individual contract with the separate school board incorporating the plan, accrued credits, and the continuation of accrued credits due to employment with the separate school board.

"(c) The full recognition of the accrued sick leave credits held by the teacher immediately before the teacher became an employee of the separate school board."

It is our position that should our proposal to remove these subsections not be considered, subsection 17, dealing with the application of the subsections, should apply to any school board rather than to coterminous boards only.

The federation believes that the inclusion of subsection 136l(18) sets a dangerous and unacceptable precedent since it will permit the public school board and the separate school board to bypass the terms of the teachers' collective agreement. Therefore, OTF is opposed to subsection 18 remaining in the legislation under any set of circumstances.

The OTF strongly supports the concept of a staff disputes appeal process. The federation cannot support the process outlined in subsections 136m(1) through 136m(15). We believe the appeal process must be carried out expeditiously, and consequently suggest the proposed process is too cumbersome and time-consuming. The problems that will arise are human problems involving human personalities and circumstances requiring immediate resolution with definite time lines.

2:20 p.m.

We wish to point out there is a need for an improved definition of who the parties to an arbitration hearing would be. The OTF believes the branch affiliate should be named as a party to the appeal process. The local branch affiliate would certainly have an interest in being a party at the hearing, since an arbitration ruling may have an effect on other members within the branch affiliate.

Finally, section 136m fails to determine who would pay the costs involved in an arbitration hearing. To repeat, section 136m as currently drafted is not acceptable to the Ontario Teachers' Federation.

As stated in our introductory comments, the Ontario Teachers' Federation requests the opportunity to study in more depth sections 136r through 136y and to make a presentation at a later date to your committee. While we have serious concerns about the powers inherent in the proposed legislation pertaining to the continued

existence of the planning and implementation committee, OTF wishes to give more serious consideration to this section of the proposed act.

The OTF guidelines on staffing and contractual issues, often referred to in this presentation, state that the procedures outlined shall be applied distinctly and separately for each panel, pre-K to 8 and 9 to 13. The position of OTF is that the legislation must cover teachers displaced at the elementary school level as well as at the secondary level. OTF believes the legislation must cover a teacher who is displaced from an elementary school as the result of the extension of funding and, furthermore, no public school board should have the right to terminate an elementary teacher's contract solely as a result of the extension of funding to separate schools.

Funds must be available from the provincial government so that teachers displaced in the elementary panel as a result of the extension of funding can be retained at the elementary level within the public school system.

The position of OTF continues to be that the extension of public funding to separate school boards shall not be at the expense of the public elementary and secondary education systems. Since there will be two systems of publicly funded secondary education, OTF believes adequate funding will reflect the total needs of the school systems at the elementary and secondary levels.

That is our presentation for today's meeting. We would be pleased to enter into discussion with you, Mr. Chairman, or other members of the committee.

Mr. Chairman: You have raised a series of interesting issues that I am sure members will want to get clarification on.

Mr. D. W. Smith: I have a small question. The last page is missing from my book. That is an easy one to solve.

Mr. Timbrell: I have two questions. On page 10, Ms. Westcott, you deal with the question of the elementary school teachers. We have discussed this matter on several occasions recently. You make the point that in the event any elementary school teacher's position is made redundant because of a shift in enrolment, the teacher should be retained in the public school system. Would you consider a transfer to the separate school system at the teacher's option to be equally acceptable?

Miss Westcott: That is a possibility. Our position of retaining those teachers in the elementary system is one that we take in light of the expectations we know the separate school

system has for teachers, in particular for teachers of young children. We would expect that perhaps it would be more acceptable to all concerned to retain the teachers who may not be Catholic in the public system rather than moving them into the elementary system at the separate school level.

Mr. Timbrell: But if the option were provided in the legislation, that would—

Miss Westcott: That the teachers would have the option of moving?

Mr. Timbrell: Yes.

Miss Westcott: If they wished the option and there were openings, I would hope the procedures would be set up in a way similar to what we hope they would be at the secondary level, that openings would be advertised within the coterminous boards.

Mr. Timbrell: In your discussion of section 136l, you did not comment on one of the most sensitive issues we are going to have to deal with, i.e., subsections 19, 20, and 21 of 136l which deal with the question of discriminatory hiring and promotion practices. Do you have any comments to make on those subsections?

Miss Westcott: The position we have stated before in presentations we have made is that there should be protection against discrimination for and in employment of those persons who transfer to the separate school system voluntarily or because of being designated.

Mr. Timbrell: That confines it to those who are designated or moved as part of the process.

Miss Westcott: Or voluntarily move as a result of extending the funding.

Mr. Timbrell: I see.

Mr. Chairman: Just as a supplementary to that, some members have been concerned about the word "creed" as a change in some of the later drafts we saw. I think one of the earlier drafts said something about any discrimination rather than specifically mentioning creed. There has been some concern creed may not cover lifestyle, for instance. Have you given any thought to these questions?

Miss Westcott: I would suggest the discussion we have had on section 19 relates to the meaning of creed and the interpretation given it. We have not commented because we are not sure how that is being done. Perhaps you could give us an interpretation of the word "creed" as you see it.

Mr. Chairman: We have asked the same question of legislative counsel. They said—not to be unfair to them and I am sure committee members will jump on me if I am wrong—they

saw that as a broad definition which included lifestyle. A couple of examples were raised by Mr. Timbrell and others. We have asked them for further information because we were not exactly convinced.

Mr. Buchanan: Just on that very point, is that consistent with the interpretation given to the definition of "creed" in the Ontario Human Rights Code in sections 4, 23 and elsewhere?

Mr. Chairman: I think that was the argument being made to us, although we did not get it as well defined as we would like. That is basically why we have gone back to ask them what are the other precedents of the use of the word "creed" in legislation and how have they been interpreted. Is that something about which we should feel comfortable or is it something we should see as excluding certain kinds of activities in which teachers might involve themselves and which might be interpreted as lifestyle, not creed?

We are hoping to get further input on that. We were just wondering whether you had anything to offer us.

Miss Westcott: The definition was what we were having difficulty with as well.

Mr. Allen: Just supplementary to that, we were given advice from members of the ministry who were reviewing the legislation with us that legal judgement had been secured by them on the larger question of the legal capacity of the separate board to lay creedal or religiously related lifestyle burdens on hired teachers who are not Roman Catholics. In a recent court case in Saskatchewan, for instance, I think under the charter it was found the mere fact of hiring a non-Roman Catholic precluded a separate board from imposing such discriminatory elements on those teachers in any respect.

That seemed to be a protection that went almost further in its generality than the present legislation. I do not say we have been able to check it out, but at least it was a notable observation by the ministry's legal officers.

I appreciate very much the refinement that has entered our discussion of the bill as a result of your presentation. It helps us at a great many points. In particular, I like your suggestion we should use the word "position" rather than "person" when we are talking about the designated list and that the notion of position should precede the designation of person. That makes it much more flexible and substantial as a protection for the public school teachers involved.

2:30 p.m.

When it comes to the question that you noted, the omission of a formula for deciding which were redundant positions with respect to extension as distinct from redundancies for other reasons, I guess we did not press the ministry personnel on this as to whether they felt this was going to be handled more expeditiously by regulation than by the legislation itself.

I think the formula that has been used to date has been that of the planning and implementation commission. I wonder whether you have found that formula satisfactory in general or if there are ways in which you would amend that one. Could you give us a little more precisely your feelings about the nature of the formula that should be in place.

Miss Westcott: The procedures we presented to the planning and implementation commission are the procedures we have shared with you today. In fact, we have made those points in that procedure; so it is our understanding that these procedures were followed in most cases for the plans that were submitted this year.

Mr. Allen: Yes, and you would be—

Miss Westcott: We are seeking continuation of consideration for that position.

If I could follow up on that, one of the concerns we have had with the proposed legislation is not knowing whether the legislation was going to be extended to spell out the guidelines or whether it was going to be left to the role of the commission. That is one of the items we probably will be addressing when we come back the second time and talk about the role of the commission.

We do need to know, and perhaps you cannot answer at this point, whether or not the guidelines will be a part of the regulation or whether they will be the commission's responsibility.

Mr. Chairman: Why do we not ask the minister or a ministry official right at the moment to see if we can get some clarification. Are the guidelines to be part of the legislation? Does the minister see this as part of the evolutionary drafts?

Hon. Mr. Conway: It is my understanding the practices for the first year have incorporated the guidelines to which Miss Westcott made reference. I would fully expect, having discussed these matters with the commission, that this would continue to be the practice. We expect these guidelines will be as encompassing as possible, but that is something that obviously we

may want to think a bit more about in terms of how we develop them in the coming years.

Certainly, it is my view that what was done this year incorporated requests that were made of the commission by people such as the OTF, and it would be my expectation that this would continue. If that needs some refinement or some tightening, then that is something we will do.

Mr. Chairman: Does it need legislating is the question, or can it be merely handled under the ambit of the role of the commission or through regulation?

Mr. Green: As you go through the drafts, you may find indications one way or another. I think we have constantly felt it would be the responsibility of the planning and implementation commission. We found that legislation was a rather formidable approach to guidelines and very difficult to change at a later time. Should the first year's experience indicate some traps therein, the commission would be in a better position to amend those guidelines flexibly as a result of consultation than either by legislation or regulation.

In section 136l, the reference to "in accordance with the guidelines issued by the planning and implementation commission" is an extremely important phrase, I grant, and a rather broad one, but we had intended that they be with the commission.

Mr. Allen: The fact the latest drafts of the legislation have leaned significantly in the direction of procedures laid down by the planning and implementation commission and its manner of activity gives some assurance of the direction in which the ministry is thinking with regard to items of particulars of formula and so on.

May I say I especially appreciate your reference to problems in section 136n, disputes resolution, and the relationship of that to Bill 100 and to the Education Relations Commission and that whole activity. I asked a question this morning wondering why the ministry had relied more on the Ontario Municipal Board staff resolutions procedures and had not taken up with its own in-house mechanisms, if I can put it that way.

The answer was fairly brief and I did not pursue it at the time, that it seemed needlessly complicating; but I think we will want to discover why it was needlessly complicating and also to pursue the virtue of what you have suggested with respect to using Bill 100 and the existing disputes resolution mechanisms as a basis of any amendments for section 136m.

Were you consulted yourselves with respect to this particular passage in the act? Were you able to make this point with the ministry earlier?

Miss Westcott: As far as the disputes process is concerned, we have maintained since our early presentations that there should be an appeal process available. In our presentations last November we made some suggestions. We believe there needs to be a process set up. We have not made specific proposals within our presentation today as to how it shall be, but we recognize that time is very important, that there should be definite time limits on the process.

The number of people named to be involved in that process is important also. The larger the number of people named, the longer it may take to be able to come to a decision. It is the kind of point we have made in the paragraph on page 9.

Mr. Allen: There is only other question I have at the moment—and members of the committee may wish to refresh my memory on this. We did touch at least lightly on the question of voluntary transfers, people who may not be formally on the designated list but who by virtue of the transition may want to move from one system to the other.

I cannot now recall whether there was some indication that the voluntary transfers would be understood to be under the protection of the designated list or not. Can the ministry clarify that?

Mr. Green: In our discussions with respect to specifying the voluntary transfer arrangement in the legislation or in any other such arrangement, we recognize that one was interfering with the traditional process of designation. There were complications to that with regard to a person's position with his own board at the moment and the credits that have accumulated there, retirement gratuities and, in particular, the possibilities for promotion.

I recognize the comment about promotion opportunities in the act, but there may be perceived to be a limit to those in one board and not in the other board.

Simplistically, when we came down to it, we assumed that in the course of the guidelines which would involve the organizations affected—and I am quick to add that those organizations will not simply be teacher federations; in some instances they may be unions and so forth that will be involved in the same way with their members; I also appreciate the distinction between persons and positions that is being made—those organizations, having designated the positions, may find a machinery within that designation to accommodate the voluntarism

element that would reduce the designated individuals who are put on a list.

We were looking for the experience of the planning and implementation commission in this first year, with its arrangements, to provide guidelines that would accommodate that voluntarism. I am sorry that answer is so long.

Mr. Chairman: That was the commission's response as well this year. They had a little problem with an accommodation in most of the areas they were dealing with.

2:40 p.m.

Miss Westcott: I want to respond on the issue of those teachers who volunteer to move to the separate school system. We are quite insistent they need to be covered within the legislation. We cannot leave it to chance that guidelines might be worked out or that conditions might be set up to cover those teachers.

We are hopeful the proposed legislation will include reference to teachers who transfer voluntarily rather than only to those who are designated. We question how it is going to be worked out and we hope that will be clarified.

We know there are local situations and we have proposed throughout that the teachers need to be involved at the local level in the development and implementation of the school board plans to ensure that all the appropriate people are involved, considering that collective agreements are going to be part of this consideration as well.

I urge you to ensure that the voluntary transfers are considered as well.

Mr. Chairman: I may be wrong, but I will ask Mr. Green a question; this is tied in with your differentiation between position and person, when you get into voluntary transfers rather than designated persons. Is that also one of the considerations the ministry has had about this differentiation of position and person?

Mr. Green: Yes, they recognize that in moving a position you have to detail a far more complicated process in the course of the act to encompass both elements and at the same time wind up with an individual clearly understanding where that individual stood. That is quite correct. That is why we want "persons" in the act and not "positions."

Mr. Allen: I want to clarify that to make certain I understand what you mean by voluntary transfers. I wonder whether I am correct in thinking you mean, in effect, people who volunteer themselves on to the designated list of positions as potential transferees as distinct from somebody who wishes somehow to be involved

in employment with the separate board but sits loose out there, trying to move around the outside, if you like, and skirt the mechanism.

Miss Westcott: Our guidelines suggest that when positions are available within the separate school system, those positions will be posted within the coterminous boards of education so a teacher employed by the board of education can seek employment with the separate school board. The kind of situation I am indicating involves one who will be transferring voluntarily rather than one having to wait to be designated as one of the teachers.

Mr. Allen: This is after the designated list of positions has been used up?

Miss Westcott: No, it is not after the designated list has been used up. I recognize you have not had a chance to read through it, but as you follow through our procedure, there is a posting of positions available within the separate school system; that posting is within the coterminous boards. Teachers then have the opportunity to apply for those positions. Recognizing from the very beginning, as we say in item 1(a), that there is an immediate hiring freeze on all boards, they post those positions only in coterminous boards and not outside.

Mr. Allen: Yes, I see.

Mr. Chairman: May I move on to others and put you back on the rotation? Would that be all right?

Mr. Allen: That is fine.

Mr. Chairman: Mr. Smith is next on my list, followed by Mr. Reyecraft and Mr. Davis.

Mr. D. W. Smith: When was the Ontario Teachers' Federation first asked by the planning and implementation commission for its input? The committee was set up around July 1984. When were you first asked for input?

Miss Westcott: We made the first public presentation to the planning and implementation commission in November. We had informal discussion with Mr. Newnham and the staff members of the commission before the formal presentation, but we had the first formal presentation and have had contact with them since that time.

Mr. D. W. Smith: Do you feel you have had enough time to give all your input before this funding starts as of September 3 or whenever it is?

Miss Westcott: We hope to be able to come back with a further presentation to the standing committee on social development. I am not sure

of your time line, so I am not sure what possible time there might be for our further submission. We do not feel we have had sufficient time between the introduction of the legislation only a few days ago and today to comment on all the legislation as it was presented at that time.

Mr. Chairman: Procedurally, for your information, we would probably have to book you in some time after September 1, given our schedules.

Mr. Reyecraft: My question is related to the second paragraph on page 10, which addresses the matter of protection for elementary teachers.

First, with respect to the statement that OTF believes no elementary teacher's contract should be terminated because of the extension of funding, I understand that protection is offered in the bill as it stands.

Mr. Timbrell's question earlier invited a reaction to having elementary school teachers find positions within the separate system. Assuming there may well be some elementary teachers in the public system who have the qualifications to teach in the secondary panel, I would like to know how Miss Westcott feels about having those teachers allocated positions within a separate secondary school.

Miss Westcott: I want to make two points. First, it is my understanding that to date elementary teachers have not been referred to. When we presented our concerns to the planning and implementation commission, the commission felt it had not been given authority to deal with elementary teachers. We made our presentation to representatives of the Ministry of Education requesting that the commission guidelines be expanded to include elementary teachers. We do not agree there is the option for them to be considered at present.

Second, I refer you to our buff sheet, section II(vii). We believe the procedure should be applied distinctly and separately for each panel, elementary and secondary. There should not be teachers moving from one panel to the other in this process.

Mr. Chairman: Mr. Reyecraft, do you want further elaboration on that?

Mr. Reyecraft: No, thank you.

Mr. Chairman: Any further elaboration?

Miss Westcott: No.

Mr. Timbrell: What about teachers who are in both? I used to be a junior high schoolteacher; so I was in both.

Miss Westcott: Some junior high schoolteachers feel they are in one and some in the

other. The junior high situation presents an unusual arrangement. I believe there are only two boards that officially have junior high schools now and a very few schools that are mixed elementary-secondary. I think that is the exception. In those cases, we hope details can be worked out at the local level to fall in line with our proposed guidelines.

Mr. Chairman: Sounds as if you will be in trouble if you go back, Dennis.

Mr. Timbrell: I guess I will have to stay here.

Mr. Chairman: What other choice do you have?

Hon. Mr. Conway: Can I add a comment here? I want to be clear on this last point on section 136l. Nothing in this legislation precludes an elementary teacher from being designated, and having being designated and having the requisite qualifications, from being hired across by the separate school board.

Mr. Timbrell: To a secondary school position.

Hon. Mr. Conway: All right.

Mr. Timbrell: With all due respect, that is not the issue. The issue is whether an elementary schoolteacher displaced in whatever community should not have the same rights with respect to continued employment in the elementary panel as a secondary schoolteacher.

Hon. Mr. Conway: Except that there is certainly that latter concern that has been discussed in the committee thus far. The first point is agreed to, is it not, Miss Westcott? You are not saying that where the legislation is currently written an elementary teacher who was designated—

2:50 p.m.

Miss Westcott: Perhaps you can read that into it because it does not specify, but in the legislation all references are to secondary school education and secondary school grades. We did not read into any of the information here that there was a proposal for elementary schoolteachers to take secondary school positions.

Because the staff we have at elementary and secondary levels should be treated separately, we would not support an elementary schoolteacher being given a position in a secondary school ahead of those secondary schoolteachers who have been designated. We encourage you to consider treating elementary and secondary separately. Perhaps Mr. McAndless can expand on that.

Mr. McAndless: Our concern about the elementary level is that because of the extension, families are more than likely going to start their children in a separate school program commencing in the earlier grades, kindergarten through the primary division. It is much more likely the surplus of teachers will occur at that end than at the intermediate level of grades 7 or 8. Our concern is that it will be the primary junior teachers who may find themselves becoming redundant because of a shift of students into the separate school system.

Mr. Green: Section 136l does not indicate that the teachers who are to be designated or the positions that are to be designated are either elementary or secondary. They are those positions or individuals affected "consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board." In the course of electing and consequently performing those duties, if there is an obvious and relevant spinoff in the elementary schools, it is assumed that too would be drawn to the attention of boards and the protection accorded.

How can one accord the protection? Presumably the problem would be wrestled with. That is why we have left the guideline availability with the commission. If you do want to roll in the possibility of voluntary movement, for example, it may be quite feasible to move teachers from one panel in a board to the same panel in another board; they may fit all the qualifications. It is very difficult to write that in legislation.

In the course of the legislation, we did not address the question of a federation affiliate, I think for obvious reasons. To the extent that can be worked out with the planning and implementation commission and the local people, we feel the guidelines will be preferable.

I am surprised at the comment of Mr. McAndless about where the impact might be felt. I would not have thought that would have been the arena in which it would have been felt. Possibly in the senior schools of the separate system there could be a difference, and possibly in grades 8 and 9, but geography has an overwhelming impact on the decision about the elementary school option.

Mr. Chairman: I will pursue this if you wish. One thing I would like clarified is this notion about what the commission told you as to its capacities in this area and what it told us yesterday.

It struck me that what they were telling us yesterday—you can correct me on this, Mr. Green—was that although the act was permissive

with respect to being able to designate a displaced elementary person and not a position—I think that is very important—the problem was that the positions that were likely to be open would be in the secondary panel rather than necessarily in the same panel that person would have a job in.

For that reason, it might be harder for them to provide any kind of protection for the elementary schoolteacher who was displaced, other than keeping them on a list with salary through the public board. As far as employment goes, they did not feel they had the same kind of mandate as yet.

Mr. Green: I think that is true, given the constitutional rights the separate elementary system enjoys. However, by the same token, there is room for some negotiation.

Mr. Chairman: The concern we are hearing now is negotiation rather than legislation for something as important as this. If we are ensconcing the rights of the secondary panel, it is just as important to do it for teachers in the primary or elementary panels.

Miss Wescott: Perhaps I could comment; and Mr. Buchanan would also like to comment. We have not had a chance to study one of the sections. We hope to comment on it the next time we meet with you. It has to do with the role of the commission. We have not given in-depth study to that part. However, let me say that for the work of the commission during this year the commission felt it was restricted just to secondary teachers and secondary education. It would be my hope that you would consider expanding it. We might have some input into that discussion.

Mr. McAndless: The point has been made, and we have been told already by the planning and implementation commission, that its mandate does not include the elementary panel. We recognize that goodwill could work, but we also recognize that it does not always work; therefore, we would like to have something in the legislation. In fact, we feel it is absolutely essential to protect the elementary members.

Mr. Buchanan: In the discussion we have had, reference has been made repeatedly to the planning and implementation commission's guidelines and concern has been raised as to what status they have in law. I remind the committee that this is the same dilemma the courts had with the Ontario Film Review Board when they were dealing with guidelines, and we found in that case the guidelines did not have the force of law.

What you are hearing from OTF today is our concern that teachers must be protected and that

the guidelines will definitely have to be spelled out in regulation or legislative form so they have the force of law. Otherwise, the way it is written now, our concern is they do not have that force and could be changed at will by the commission. We are very concerned about this.

Mr. Chairman: I notice you would accept the notion of regulation, which is obviously more easily amended than legislation, in preference to straight guidelines, if we cannot find eventual agreement to get it into the act itself.

Mr. Buchanan: It is something we would want to consider.

Mr. Chairman: Would you let us know? That would be very helpful.

Mr. Allen: Our reference to the commission was not that we would leave the legislation as it is and then just read everything out of the commission's practice as our guidelines, but that we would move the legislation towards the direction in which the commission had functioned where that was helpful and had set useful precedents.

I would suspect it should be possible to amend section 136l(1) so there is a clear reference to secondary and elementary and no doubt is left it has that comprehensiveness. That is one option.

With regard to the other legal and constitutional protections that hang around this whole question, I remind us that at the end of section 136l is subsection 21, which says subsections 1 to 20 apply despite section 23 of the Ontario Human Rights Code, 1981; and if subsection 1 is read as being elementary and secondary, then transferees to the elementary panel from the designated list have the same protections under the Ontario Human Rights Code exemption here as the secondary ones.

By the same token, if the constitutional reference states that what we are undertaking is thoroughly constitutional, then presumably the larger construction of what happened in 1867—since this extension of an existing system continues the protections of 1867 across the whole separate public system—is that the exemption of subsection 21 becomes even more significant in terms of its force for both the elementary and secondary panels.

3 p.m.

Mr. Timbrell: It seems this issue becomes clearer and more complicated at the same time. Given everything we have been told, subject to getting written legal opinion, the elementary Roman Catholic school system has the constitutional and legal right to discriminate in its hiring

and promotional practices. The reference to the courts vis-à-vis Bill 30 has to do with the extension or completion of funding for the secondary school panel. It is not at all clear in my mind that we can legally give them the same protection in the elementary panel. It becomes an even more complicated issue for us to deal with, and it begs the question—

Interjection.

Mr. Timbrell: If that is the box we are in, there is no other way out. What do you do with a redundant elementary school teacher? You have the answer; all right. You give us the question; I will give you the answer.

Interjection.

Mr. Timbrell: One must assume this is going to happen. When you have redundant elementary school teachers, and after all else is sifted they do not have the qualifications to move into the secondary panel, and you cannot put them into the elementary separate panel with the same protections as you can for the secondary school public teacher, what do you do with them? Do they take an early sabbatical?

Miss Westcott: I refer Mr. Timbrell and other members to page 10, the second paragraph: "Funds must be available from the provincial government so teachers displaced in the elementary panel as a result of the extension of funding can be retained at the elementary level within the public school system."

In the light of some of the comments you have made, Mr. Timbrell, regarding legal opinion, it is our feeling that at the elementary level, where the classroom teacher tends to deal with the whole curriculum of the students, it is less appropriate for non-Catholic teachers to transfer into the separate school system. The responsibility would be for them to be retained; they should not lose their employment. The responsibility would be for them to be retained as elementary teachers by the public school board.

That goes back to one of the points we made earlier, that the responsibility for the teachers rests not only with the separate school board and the public school board but also with the provincial government, and funds must be provided for that in instances such as this.

Mr. Chairman: The act provides for the person who becomes designated to be the responsibility of the public board, but it does not say what is to be done with that teacher. Are they to stay on the list or be used in the fashion you have indicated? Does the minister have any

response to the suggestion he has just been given?

Hon. Mr. Conway: It is quite clear in subsection 136l(8), "The public board shall not terminate the employment of the person designated under subsection 1 solely for the reason set out in that subsection until such time as the person is employed by the Roman Catholic school board." Practically, that means they remain the responsibility of the public board.

The question is, how many of these people are there going to be? Obviously, the province has a responsibility to work with those boards and those teachers to make sure that, to the extent they exist, they are well and profitably employed.

Mr. Timbrell: But taking your words literally, a board could say, and this is not to cast aspersions on any board, "We will keep that person, and we will let the next most junior person go."

Mr. Green: The impact would be restricted to the impact of the change of enrolment vis-à-vis the two systems, not to those caused as a result of declining enrolment overall. It would have to be established that the impact of separate extension was the factor that led to this. There will be a limited list. The reason for our reliance on the more informal mode of operation, in particular vis-à-vis the elementary school teachers, is exactly that.

Mr. Buchanan: That is why it is so important that reference is made to the School Boards and Teachers Collective Negotiations Act, Bill 100; that would help the parties resolve some of these concerns.

I have one other quick question for clarification from the minister or Mr. Green. Mr. Allen raised section 21. I have a naive question, I suppose. Why is the word "despite" used there when we traditionally use the word "notwithstanding"? I notice that section 23 of the Human Rights Code is mentioned. Would you also want to mention section 18 to make the whole thing consistent? The questions are, why the word "despite" and why omit subsection 18(1)?

Mr. Green: I got the first point. I do not have the second. I am afraid I will have to ask the legislation people to answer that. As a teacher of English, "despite" and "notwithstanding" did not trouble me. As a lawyer, they might trouble me very much, and I do not know that.

Mr. Chairman: I wonder if Mr. Mitchell, or one of your staff, could come to the mike so we can get a formal answer on this.

The first question, in case you did not hear it, was to do with the language usage in section 21, which was the use of the word "despite" instead of "notwithstanding", vis-à-vis the Human Rights Code exclusions. We will deal with the second one separately. Is there a legal difference or semantical problem in using "despite" rather than "notwithstanding"?

Mr. Mitchell: I must admit I am not sure. I am not aware there is, but we will certainly check that out.

Mr. Chairman: The second point was why was section 18 not included in the list of what was covered there? Did you mean under exemption 21? Mr. Buchanan, perhaps you can rephrase that.

Mr. Buchanan: Section 18(1) under the Ontario Human Rights Code of 1981.

Mr. Chairman: Do you happen to have the Human Rights Code with you? Good, you do. Perhaps you could read it to the committee and it would have a full understanding of what we are talking about.

Mr. Mitchell: Section 18 of the Human Rights Code simply says, "This act shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the British North America Act."

I think the relevant point here is that this section of Bill 30 is addressing itself to discrimination. That is what you have more specifically under section 23 of the Human Rights Code, which is mentioned in subsection 21. I do not think it is any more far-reaching than that.

Mr. Chairman: There is no mention in the preamble about this section in the act. Is there any need to cover this section of the Human Rights Code elsewhere, if not in this particular discriminatory section?

Mr. Mitchell: It is also covered in the Charter of Rights and Freedoms. In fact, I think it is covered in the bill, but we will take another look at that.

Mr. Chairman: Thank you for bringing that to our attention, Mr. Buchanan. Do you have a comment on this, Mr. Timbrell?

Mr. Timbrell: No.

Miss Westcott: Another response I want to make in the light of a comment Mr. Timbrell made about the early retirement possibility for teachers, is to inform the committee that the OTF made a proposal to the Ministry of Education and the Ministry of Treasury and Economics a few

months ago, proposing a time-definite change to the Teachers' Superannuation Act in order to allow for early retirement without penalties, in an attempt to alleviate some of the problems that would be faced by a large number of teachers.

We do have that proposal. We have not introduced it today. We introduced it through those two ministries in the hope that it might be one way of assisting with the number of teachers who may be having to change positions.

Could Mrs. Wilson also add to that?

Mr. Chairman: There is a request from Mr. Timbrell suggesting that perhaps we should have that. Is that possible?

Miss Westcott: I do not have the exact wording with me. I meant to bring it today but I will get it to you.

Mr. Chairman: We will look forward to it. Have you seen the commission's work on this that it provided us with?

Mr. Buchanan: Yes.

Mr. Chairman: Perhaps you might comment on that either now or when you send that to us.

Miss Westcott: Mrs. Wilson wishes to make some comments.

Mr. Chairman: Certainly. Please go ahead.
3:10 p.m.

Mrs. Wilson: In terms of the commission's work, the only area in which we would vary our position from that of the commission is the length of time we think it would have to be available, that is 10 years rather than five, because we think the dislocation will occur over an extended period of time. I believe the commission suggested the superannuation fund would have to absorb the deficit. We believe the government should absorb the deficit since the superannuation fund is a collective fund and to make the fund absorb the deficit puts the onus of the solution of this problem on the teachers of the province.

One thing I would like to add about the whole area is that while we have a number of reasons for wanting early retirement, one of the major ones is that there is not a match between the programs in the two school systems.

The combination of declining enrolment, the shift across the systems and the introduction of Ontario Schools, Intermediate and Senior Divisions curriculum guidelines has created terrific problems in some program areas in which the teacher's certification is restricted. Therefore, for a number of secondary teachers we do not see any easy solution except early retirement.

Having said that, let me emphasize that for large numbers of these teachers, particularly

technical teachers, they still will not get a decent pension even with reduction of penalties. It is not going to be a happy situation.

The reason we went to the two ministries, Education and Treasury, on this was that we found some urgency in it. We did not want to drag it through the superannuation negotiation process, which seems to take about four years. We think there is a very serious need. We think the need will become apparent when you see the secondary school enrolment statistics for grades 9, 10 and 11 in the coming year and find where the redundancies are going to fall.

Mr. Chairman: I have Mr. Davis, Mr. Cooke and Mr. Allen on my list.

Mr. Davis: I was wondering if the OTF could expand on a matter—it is in their brief as well as in the regulation—dealing with the annual salaries of those teachers who will cross over to the separate system. The brief talks about red-circling them. Would you expand upon your understanding of that and what you perceive would happen in the second and third years?

Miss Westcott: Our explanation of red-circling, and we have mentioned it on our buff sheet, is that a teacher who moved to the separate school board would be paid the salary he or she would have been paid if the teacher had remained at the public school board. That teacher would continue to be paid that salary until such time as conditions changed—and we have spelled them out; such as a change in qualifications or experience—or until the separate school board's collective agreement entitled the teacher to more salary than he or she was currently being paid.

Mr. Davis: In the second year the teacher is in the separate school system, if a collective agreement is struck at the board he has left which would have increased his salary if he had stayed there, does he or does he not get that increase?

Miss Westcott: No. Red-circled means the teacher would remain at the salary—suppose it were September 1985—of the 1985-86 school year.

Mr. Davis: In effect, the teacher who moves over to the other system and is red-circled at X dollars—which, if I understand the grid system, probably is higher than what he would be paid in the separate school system at that point—is penalized because he has been declared redundant in that his salary is frozen, even though his colleagues who remain in the public school system the following year get a five per cent increase.

Miss Westcott: Are you talking about the second year?

Mr. Davis: Yes.

Miss Westcott: Yes. Collective agreements vary from coterminous board to coterminous board, of course, but it would be our expectation that the collective agreements might not be as far apart as we recognize some are now.

Mr. Davis: I would like to ask a supplementary. It is something I would like to explore, and I would like to hear from them.

In that second year, if the separate school jurisdiction to which the individual teacher has moved has a salary increase of five per cent, let us say, he will not receive that percentage increase if he is red-circled. In effect, it is possible a teacher could move across to the other system and for X years, whatever that might be, receive no salary increase.

Miss Westcott: I cannot give you specifics, but I do not believe it would be for a number of years if you are talking about increases at the five per cent level.

Mr. Davis: I am just using that as a figure.

Miss Westcott: The teacher would be red-circled—

Mr. Davis: Probably two per cent would be more like it.

Interjection: No, no.

Mr. Davis: But you and I know there is a ratio out there, and I am just asking whether, in effect, that person is penalized.

Miss Westcott: The use of the word "frozen," the way you are using it, falls in line with our red-circling, but it would not be our expectation that it would be for years and years; it would be our expectation that it would be just until that teacher fits into the grid of the separate school board.

Mr. Davis: I think it would be pertinent information for us to have some concept of what those salary ranges are across the province. They may be a lot closer than we think they are, but they may not be.

Mr. Green: We can acquire that information. Casual opinion suggests that in respect of coterminous boards in particular, they are probably closer together. If one were to take the extreme low at one system's salary scale and the extreme high at the other system's salary scale, there might be quite a gap, but coterminous boards have tended to be closer together.

It is my informal information that in terms of some transfers that will take place this year, some

teachers will gain in salary by being designated to move to the other board. The intent of the red-circling is to ensure that the salary never goes below the amount of salary the person would have received in that year of the public board's contract had he stayed with the public board.

Mr. Carey: In the same area, probably the greatest difference lies in the number of years it takes to reach maximum with the separate school board compared to what it takes with the public school board. That is where the discrepancy would be most apparent.

Mr. Chairman: You will try to get that information for the committee so it has a statistical as well as an anecdotal answer.

Mr. D. S. Cooke: I have a question of the ministry as to its understanding of who it intended should pay for the arbitration proceeding.

Mr. Green: That was undertaken by virtue of the arbitration practice; the arbitrator awards the costs.

Mr. D. S. Cooke: For example, what happens to nonteaching staff where no union is involved and it is an individual? Who is going to represent that individual in an arbitration hearing if there is no organization?

Mr. Green: I am sorry, I cannot answer that.

Mr. Chairman: That is something we should definitely start seeking out.

Mr. D. S. Cooke: I happened to run into a friend of mine, the former director of the Windsor board and now the Roman Catholic chairman, Bob Field. I think they are rather concerned about this as well. What would your reaction be to a panel of arbitrators?

Miss Westcott: As I mentioned before, our concern would be about the size of the panel. What size would you propose?

Mr. D. S. Cooke: I am not proposing anything. This is something that was suggested to me.

Miss Westcott: At one point, when we talked about such a panel, we were looking at the possibility of a three-person panel, recognizing that in some situations that seems to work well, but there has also been discussion about a single arbitrator rather than a panel.

Mr. D. S. Cooke: I am thinking of a panel that you would choose from.

Miss Westcott: Choosing from to make the—

Mr. D. S. Cooke: They could perhaps be on a contract basis with the ministry or whatever,

which would lower the cost and take care of some of the cost of the arbitration hearing.

Miss Westcott: As far as size—

Mr. Carey: That might have value if it allowed the whole process to be speeded up, if they were readily available. I suggest you are saying they would be, and they could be selected on that basis.

We see what is now in the legislation as being cumbersome and slow. We also think it is probably borrowed from other legislation and we believe there should be a specific appeal process as it pertains to this legislation.

3:20 p.m.

Mr. D. S. Cooke: I am very concerned. I do not know how many boards have nonteaching staff who are not part of a collective agreement. We are going to have to look at how they are going to be able to have advocates at their arbitration hearings, if there are any, and who is going to pick up the cost. A secretary or a caretaker could not afford to go through arbitration.

Hon. Mr. Conway: I have asked some of those very questions in recent days to get some of that data and to see what the practice might be and what alternatives are available. I have put a couple of those questions in very recent days to some of the involved parties.

Mr. Chairman: Could we get some idea, for Mr. Cooke and other members of the committee, of the number of boards that have nonunionized staff, so we would have an idea of those that do not have ready advocacy capacity?

Mr. Green: Yes, I think we can. We will make an attempt to do so. I am not certain whether we have that in full, but we can certainly give you a good picture.

I would remind the committee that hiring protections accorded constitutionally to the separate school boards apply only to teaching staff. Nonteaching staff do not enjoy the same restrictive hiring practices, as some would call them, or the same privileged hiring practices.

Mr. Chairman: I wonder if one way of facilitating getting an answer on this would be to phone the largest unions that are involved and find out which ones they do not have jurisdiction over or which ones they do have jurisdiction over. That would be the clearest way of getting that quickly.

Mr. Allen: To come back for a moment to the question of early retirement and retirement gratuities, it might be worth your knowing that we did go through that issue at some length with

the planning and implementation commission, as the chairman pointed out earlier.

I have put the committee on notice that since this legislation itself is not the appropriate vehicle for securing that, we should be looking at a number of issues arising in the course of our discussions that go beyond the bounds of possible action under Bill 30 and that are relevant to the whole transition period. One of those is the question of early retirement. I will be presenting a motion before the committee that will press the government to move quite concretely and early in that direction.

For my own clarification, I do not think we entirely concluded our discussion of what happens to either elementary or secondary teachers in terms of board support for public boards maintaining personnel on designated lists. My impression from our discussion was that we went beyond subsection 136(8) on page 7, which simply stated they had to be maintained by the public board, to some other section which I confess now to having lost.

My understanding was that it provided for ministry support for boards incurring those additional expenses in the transition period. When we were talking about finance yesterday morning, we went over some cost items that the ministry was already proposing with respect to board support for those precise contingencies.

Mr. Green: There is no clause in the bill referring to that, but there is provision in current funding clauses.

Mr. Allen: You are already establishing a precedent in that respect.

Mr. Green: I think we are. Our memo and the material I put before the committee yesterday indicated we were providing for that amount of money to ensure that boards that could not immediately extricate themselves from what we called overhead costs—and you will notice we thought they would be mostly noninstructional, but they may be instructional—would have money available for that purpose.

Mr. Allen: You are moving in that direction, but obviously you want more than that from the legislation.

Miss Westcott: Most certainly. As we outlined in our brief, we were unsure of the implications of subsections 6 and 7 and what they would mean. We believe it is important that the teachers will have a teaching position for the next year. We are not sure how they would get that teaching position as spelled out now in the proposed legislation.

Mr. Allen: If I could just move on, I do not think you have referred to the question of student access. That is something I presume you are coming back with comments on at a later date.

Miss Westcott: I do not have specific comments on that section in today's presentation.

Mr. Allen: You will be having them for us?

Miss Westcott: That is something we could look at for the next presentation.

Mr. Allen: Would you do that for us?

Miss Westcott: We have not had time to study that at this point.

Mr. Allen: I would appreciate that.

Mr. Timbrell: The question I wanted to ask arises out of a point Mr. Green made a moment or two ago on the question of discriminatory hiring practices. Since it does not relate directly to the brief of the Ontario Teachers' Federation, I will stand it down until all questions have been posed and answered and then come back to it.

Mr. D. W. Smith: This may come across as sort of a dumb question and maybe I have missed something going on here. In your collective agreement, has every teacher who is hired now got full protection or can teachers be laid off at any time? It seems to me I am hearing we have to provide complete protection for what is longer than a transition period. I guess I want to hear your comments again to clarify my mind. Are you asking for protection past the transition period of one year, which I think is the period right now, or what are your comments along these lines?

Mr. Chairman: Perhaps I could clarify that, Mr. Smith. Throughout the entire act, it is 10 years with respect to the protections and rights. That comment about the first year is just a matter of red-circling, so the salary would not fall below that, but the rights follow that teacher into the system throughout the life of the bill. That does not stop the thrust of your question.

Miss Westcott: I would be glad to add to the comments the chairman has made. Perhaps there is some clarification needed in the difference between those positions that are redundant positions because of declining enrolment and those positions which are no longer there because of the extension of funding.

Our collective agreements at the local level in most cases contain details for declaring teachers redundant. We do not feel in this situation, since the positions were lost because of a change in government policies, that these teachers should

be losing their jobs. We believe a teacher whose position is no longer there because of the change in government policy, because of the extension of funding to the secondary schools in the Roman Catholic school boards, should be protected. That is why we have detailed these guidelines in order that these teachers will have the opportunity to take those new positions that are created in the separate schools at the secondary level. I hope that helps a little bit.

Mr. D. W. Smith: It may help a little bit. I may have to read everybody's comments again and, when we meet again some time, ask a further question about this because it is quite involved, the way I am hearing it anyway.

Mr. Carey: Just to support the president, there are layoff provisions found in collective agreements pertaining to declining enrolment, which we refer to as normal declining enrolment—a lack of students, because there are fewer students today than there were a few years ago—but the redundancy caused by the extension of the separate school system is not normal declining enrolment. Those students have not ceased to exist; they have moved from one system to the other. We are talking about the teacher positions and the teachers as a result of that move.

Mr. D. W. Smith: If the teacher or teachers were to move from the public system to the Catholic system, there would be no problems. Because the students are going across, the teachers would go with them. However, there may be cases where some of these public school teachers will not be hired by the separate board and those are the ones you want protected. That is what I take from that.

3:30 p.m.

Miss Westcott: I think you are summarizing it correctly. What we have to recognize is that those teaching positions that become available within the separate school board do not automatically match the ones that are no longer in existence in the public board. That is why it is just not so easy to transfer teachers.

Mr. D. W. Smith: It is coming clearer.

Mr. Chairman: Mr. Timbrell has a supplementary.

Mr. Timbrell: I would like to take one of the two municipalities I represent as an example. In North York at the present time, because of declining enrolment they have now got to the point of laying off teachers with 10 years' seniority. Presumably as a result of this policy, teachers from the public system will transfer to

the separate system in North York and will jump the queue according to their seniority and peg in according to date. I am told by some that even time is recorded as to when people sign on. Am I correct?

There is one other factor. To my very great surprise, I learned that the separate school system in North York is now starting to experience declining enrolment with the significant move of the Italian-community population to Woodbridge, Vaughan and that area.

Will these people then face, with many of the rest of the separate school teaching complement, the same concerns over layoff? In other words, am I correct that they will not have any additional protection against layoff because of declining enrolment in the separate school system once they are there? Who wants to answer that one?

Mr. Chairman: Miss Westcott seems tentatively to want to try.

Miss Wescott: Our position would be that teachers would take their seniority with them when they transfer to the separate system.

Mr. Timbrell: Yes. That is what I am saying. They would jump the queue. They would not be a brand-new employee if they have 12 years of experience. They would go into the queue at that level by date, time and so forth.

My other question is, if declining enrolment becomes an accelerating factor in a given area such as North York or wherever, are they ad idem with the balance of the teaching complement when it comes to considering layoffs there?

Mr. Chairman: Mr. Green has a comment he would like to make.

Mr. Green: I was just going to comment in respect of the Metro situation that one should bear in mind that you are dealing with one Metropolitan separate school board in that area. It is still growing slightly. In the secondary schools the major growth, as we have identified it, will take place in grades 11, 12 and 13. I would assume any separate school system that opted to operate secondary schools is not going to have an enrolment decline for at least three years. They are going to be adding a grade a year.

With respect to total decline, once a teacher is in a system, that teacher would be subject to the same protections as any other teacher in the system with comparable experience.

Mr. Timbrell: It is just a time to think through all the possible ramifications of the elementary panel's problems. It is more there than at the secondary level that I am thinking of.

Mr. Green: There may be, although if there is a total decline in the area—

Mr. Timbrell: However, your point about there being one Metro board, of course, is perhaps the answer to it.

Mr. Chairman: I think Mr. Carey had a comment to make. Then I will go to Dr. Allen and Mr. Davis on the same matter.

Mr. Carey: I just wish to acknowledge that the Ontario Teachers' Federation has certainly studied that area, and there is the possibility this could happen in pockets around the province. We will continue to monitor it very carefully because we are committed to seeing that no teachers are adversely affected. At this point we do not believe it will happen immediately at least, but it is a possibility.

Mr. Chairman: Dr. Allen, on the same point.

Mr. Allen: Yes, on the same question. I think careful reading of the bill would certainly suggest that the transfer of seniority is a real and effective transfer and cannot be downgraded in any respect in any consideration of promotion, layoff or what have you.

However, the committee might also bear in mind that there is an added benefit for most public secondary teachers in moving their seniority into the separate system. Inasmuch as the separate system has been an expanding system at the lower end in particular, it has many junior teachers in it. In comparison, the public system has many senior teachers with high seniority in it. When you take your seniority across those two systems, you can get a significant add-on in a lot of cases by being very far ahead in the relative-seniority game in the separate system.

The extent of that is such that I know some locals of the Ontario English Catholic Teachers' Association have tried very hard to persuade their head office to get some other kind of tradeoff there. To their credit, they did not fight that all the way down the line. That is a significant point to bear in mind.

Mr. Davis: Do the ministry officials, or the minister himself, have any indication of the kind of decline we may see in the separate school system in the next decade?

Mr. Green: We will be supplying those statistics. I do not have them off the top of my head.

Mr. Davis: Will we get them?

Mr. Green: Yes.

Mr. Davis: Good. That is all right.

Mr. Chairman: I have a question we seem to have slipped over, although it is fundamental to your presentation, which concerns the distinction between "persons" and "positions." I understand you made your position clear to the commission quite early, and it and your group have both had some input into the legislation. We know the commission has, on a regular basis. Yet it has not shown up in this 13th, or whatever, draft we went through this morning.

Can you tell us what the commission's response was to this distinction, which seems to reveal your good labour sense but does not seem to have found its way into the process?

Miss Westcott: If I could comment on that, we have the same distinction in the guidelines we presented. We have shared these with the commission. We have not had a great deal of opportunity to have input other than through the commission. We have had two half-day sessions on the legislation, but most of our communication has been with the commission.

I do not believe they disagreed with our procedures, because they circulated them. They were not printed as commission guidelines, but the commission circulated them to all school boards. I am not sure why the commission has not suggested "positions" rather than "persons." Certainly they did not question our guidelines, which make that distinction.

Mr. Chairman: I will address the minister on this point. One complication of going that route was raised earlier regarding the elementary panel situation. A very valid labour point is being made here in first designating positions and then having people fill those. You start off with the structure and then fit bodies to that according to normal labour practice. Why has the act at this point, after its long evolution, not included that distinction?

Hon. Mr. Conway: I had the opportunity to preside over 18 days of its evolution, and I will have to reflect upon this and all other testimony offered today. I was a little distracted because I had a question I wanted to ask the group.

Mr. Chairman: You are next.

Hon. Mr. Conway: It is just so I understand the point. Is the concern about "positions" as opposed to "persons"? We talked about this business of providing for the voluntary consideration, which was part of our deliberations, and allowing for as much flexibility as possible, given local situations that might very well develop and be resolved.

3:40 p.m.

Mr. Chairman: Perhaps I could ask counsel. Mr. Mitchell, I am sorry to catch you in a conversation. In the approaches made to you over these many months for changes on this legislation, was this one of the things put to you? Were there drafting or legal problems you ran into on this? Or has it not been brought to your attention as a concept at this stage?

Mr. Mitchell: In all fairness, the Ontario Teachers' Federation had brought it to our attention previously. They are absolutely right, their exposure to the legislation has been reasonably limited up to this point. The previous occasions on which they did have consultation with the minister of the day were on the basis of various possibilities or options in legislative wording. Those consultations were not on the basis of the bill as such.

The commission, in its consultations with us on this aspect of the bill, did suggest some alternative wordings. However, as I recall, their alternative wordings did not focus so much on "positions" as opposed to "persons" as on further refinements of how we defined the people we were talking about.

I guess one of our considerations on this matter, strictly internally, was that the principle here seemed to be to ensure that people who would bear the brunt of the implementation of this policy would not be penalized or suffer in any way. We had a little difficulty—which OTF may be able to help us out with—with the concept of "position" versus "person," if we were trying to apply protections to the actual people who were going to be made redundant by virtue of this policy.

Mr. Chairman: My impression—and I will ask Miss Westcott to clarify—was of almost a two-step thing where first you deal with "position" and then you deal with "person," so you are in no way disrupting the normal labour process.

Mr. Mitchell: Thank you; that helps me. Our assumption in that regard was that the legislation was describing the second phase of that process, while simply not mentioning the first phase on the assumption that this whole procedure was in accordance with the guidelines of the commission.

Miss Westcott: I would make the major point, though, that the guidelines of the commission did not get as specific as the guidelines we have here, which do spell out "positions" and then "persons." We would hope that positions would be the first step. Once positions have been identi-

fied, then you can go into the process that leads to designated persons.

Mr. Chairman: The clerk will contact the commission to see whether that has been one of the presumptions in its refinement of the guidelines it is going through now, so we at least know some of the options involved.

The minister would like to ask a question.

Hon. Mr. Conway: I am sorry I was distracted earlier. I had a concern arising from page 9 and your concern about section 136m, the staff dispute appeal process. As it is currently written, it is cumbersome and imprecise, in your view. I would like you to help me clarify in my mind what would be the preferred alternative.

Miss Westcott: As you can see in what we have presented today, we have not spelled out especially what we would see as the preferred alternative. We think what is defined needs to be done in such a way that there are definite time lines. We feel the time line is very important so the appeal can be carried through to the end in a short time line.

Hon. Mr. Conway: I would very much appreciate if you would consider that further, because I would be very concerned to think the process is too cumbersome or too costly. Anything we can do to deal with those kinds of difficulties should be done. I serve notice of my interest and, I am sure, that of the committee, in providing further advice on that question.

Miss Westcott: When we come back, we could undertake to give more detail to what we are suggesting, giving us an opportunity to have some further discussion.

Mr. Chairman: That would be very helpful. Are there any other questions by committee members? If not, thank you. It has been very informative for us. Unless you have something final you would like to say that you feel has been missed or glossed over, I would like to thank you for the time you have taken, especially in being prepared to come so early to us. It has been quite helpful as part of a long learning experience we are going through this summer.

Miss Westcott: I would like to thank the committee also. We have worked fairly quickly to come to the point we are at today. We recognize there are some additional comments we may want to make, even on what we have presented today. We have made notes to come back on some of the issues that have been raised, particularly on the sections I mentioned before related to the commission. I gather from your

comment earlier that we will be given time, probably in September, to address you again.

Mr. Chairman: It is difficult for us to see everybody twice, obviously, but in your case, as the major collectivity of teaching groups, we will be pleased to try to make time for you. You should not feel when you come back to us that you are restricted only to things you have not commented on to this point. If you have refinements of things you raised as a result of other things you hear during the process, you should feel free to address whatever you choose.

Committee members, we will be meeting on Monday at two o'clock. The full agenda for next week will be available to you then, but you should be prepared to meet next Tuesday evening. It will be our first evening session, because of the number of requests we have at this stage. This is the only evening that is a certainty at this point. Next week is very full, but we do not have the list ready for you at this point; it will be detailed with exhibits for you by two o'clock on Monday.

Are there any other items? Mr. Timbrell mentioned one earlier that he wanted to raise with the minister.

Mr. Timbrell: It goes back to the point that was alluded to earlier. Mr. Clifford was very helpful the other day when he pointed out that as a result of a case in Saskatchewan, discriminatory hiring practices for support staff in the elementary separate school system are not legal. I take it those practices for the hiring of support staff in the secondary school system are no more legal.

I ask you to look into this. One of my colleagues passed on to me this morning an advertisement that appeared in the July 3 issue of the Markham Economist and Sun for bilingual secretaries in the York Region Roman Catholic Separate School Board and requiring the reference of a parish priest, which seems to imply that message is not perhaps as widely disseminated and appreciated as it should be. I will leave it with you and you can report back on that.

The committee adjourned at 3:48 p.m.

CONTENTS**Thursday, July 18, 1985**

| | |
|--|--------------|
| Education Amendment Act, Bill 30, Mr. Conway, adjourned | S-141 |
| Adjournment | S-159 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)

Conway, Hon. S. G., Minister of Education (Renfrew North L)

Cooke, D. S. (Windsor-Riverside NDP)

Davis, W. C. (Scarborough Centre PC)

Johnston, R. F., Chairman (Scarborough West NDP)

Reycraft, D. R. (Middlesex L)

Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

From the Ministry of Education:

Green, D., Assistant Deputy Minister, Education Programs Division

Mitchell, W. T., Director, Legislation Branch

From the Ontario Teachers' Federation:

Buchanan, M., Past President

Carey, J., Executive Assistant

McAndless, D., Second Vice-President

Westcott, J., President

Wilson, M., Secretary-Treasurer



No. S-7

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Monday, July 22, 1985



Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday, July 22, 1985

The committee met at 2:01 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the committee to order. I see a quorum.

I have a couple of things to let committee members know about scheduling before we move on. We will be meeting here in Toronto during the week of September 9 and we are tentatively setting up a travel schedule to Sault Ste. Marie for the week of September 16.

Requests for attendance at hearings from the northwest have not proven to be too voluminous as yet, but that may change. We may try to work in a Sault Ste. Marie stop on our way to Sudbury from Thunder Bay, or whatever. We will wait to see how that works out.

We have had some luck in getting somebody from Alberta to come and talk to us. Mr. Mike Strembitsky, superintendent of the Edmonton Public School Board will be coming before the committee in September to tell us about their implementation operation and just how things are going on a day-to-day basis in a major school board area such as Edmonton.

I would like to start off now with the deputants who are already seated and who have made themselves comfortable. On behalf of the Ontario English Catholic Teachers' Association, we have Mr. Fauteux and his friends. Perhaps you could introduce them to the committee and then lead us through your presentation, as you like, and then we will take questions from members after you have completed your presentation.

ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION

Mr. Fauteux: Mr. Chairman, I am John Fauteux, the president of the Ontario English Catholic Teachers' Association. To my extreme left is Mr. Jim Cooney, our first vice-president. Next to Jim is Mr. Doug Knott, the deputy general secretary. To my immediate right is Father Frank Kavanagh, the general secretary of OECTA. To his right is Mr. Paul Cavalluzzo, legal counsel to this association.

I am pleased to have the opportunity to come before the committee to present the views of the Ontario English Catholic Teachers' Association, an association which represents some 23,000 men and women who have chosen teaching as their career, teaching in the elementary panel from kindergarten to grade 8, as well as the proposed secondary panel in grades 9, 10 and 11 in the publicly funded schools of Roman Catholic school boards.

Our brief today is divided into three major parts. The first part deals with the historical perspective of the completion of separate schools. Section B, or the one with 2 as the first numeral, will deal with the six principles enunciated by the Minister of Education (Mr. Conway) in his address. The final section, beginning with the numeral 3, will refer to some concluding remarks we would like to make.

If I may begin, I would like to start with the historical part, because we, in OECTA, believe this is just a natural process that is taking place, a natural progression. The government's Bill 30 demonstrates a profound understanding of an important part of the Confederation agreement. Mr. Davis stated that, "The architects of Confederation...in order to secure their national vision...accepted and advocated the protection of the denominational 'common schools' in the British North America Act." He continued to say that, "We must also work to honour those contracts and obligations which were struck to create a united Canada in 1867."

Bill 30 implements the spirit of this historic path by enabling separate school boards to offer a modern common education, or in the terminology of then Premier Davis, "a basic elementary and secondary curriculum." It also puts into practice Chief Justice Meredith's words, which I would like to quote:

"The machinery may be altered...from time to time, to keep pace with advanced educational systems. It was never meant that the separate schools...should be left forever in the educational wilderness of the enactments in force in 1867;...separation and equal rights regarding public schools must remain."

The Ontario Legislature with its Bill 30 has shown a sense of fairness and equity to the separate school system. Although such equality

has been extended recently to the separate school system at the secondary level, the government's tradition of fairness to the system at the elementary level is long-standing. Since 1867 to current legislation, the parliament repeatedly has enacted fair elementary school legislation for the separate school branch of Ontario's public education system.

We cite only a few examples. Legislation empowered separate school boards to operate model schools in 1879; to have access to some corporation taxes in 1913; to form larger units of administration with designated sites rather than constructed schools in 1963; to receive the corporation tax adjustment grant in 1964, and granted power to become county and district boards with their own supervisory officers in 1968. Bill 30 is in the Ontario legislative tradition of administration fairness gradually introduced to separate schools.

In our opinion, in legislating Bill 30, the government of Ontario is performing an act logical and consistent with its previous enactments which moved towards enabling separate school boards to offer an education equal to that given in the other public school system. This government's completion of the separate school system is mirrored by previous and similar steps to keep the schools abreast of expanding student needs.

As the preamble to Bill 30 points out, in 1899 legislation empowered any separate school board without a high school in its school section to establish a continuation class, that is a class for students in what we now call grades 9, 10, 11, 12 and Ontario academic courses. Actually, it was public policy in Ontario from 1867 and in Canada West from 1841 to support Roman Catholic separate schools to the end of what we now call secondary school.

In 1908 the government enabled separate school boards to establish fifth classes, now designated as grades 9 and 10, inside or outside a secondary school district. The latter programs have not only had access to tax and grant revenues since 1908, but also received weighted factors in 1978 which regularly were increased in the grant regulations to the point in 1985 of 90 per cent parity with public secondary school grants.

In 1911 the Ontario Legislature empowered separate school boards to establish "special classes for children who are backward or abnormally slow in learning and who, from physical or mental causes, require special training and education." This broadening of the program for separate schools recently was

magnified further by legislation enabling separate school boards to educate trainable mentally retarded children formerly on the rolls of public secondary school registers for grant purposes.

In 1960 the Ontario government empowered separate school boards to operate kindergarten or junior kindergarten, another expansion to stay current with student requirements.

2:10 p.m.

In summary, Bill 30 is the last of four steps to the goal of completion of the separate school system. Thus, Mr. Justice Emmett Hall's recommendation will be implemented fully. In speaking of the kindergarten-to-grade-13 continuum for separate schools, he said: "The principle of equality of opportunity naturally must apply to...the public and separate school segments of public education in Ontario....Equality of educational opportunity for all children...must be equality where they are, where they have a right to be."

I would like to talk about the six principles enunciated by the Minister of Education. The first is "to protect the viability of the public secondary school system." I refer you to page 4. Section 2.2.1 talks of our interpretation of the bill. It is not my intention to go through this each time, but rather to take the last digits, the twos, threes and fours and to talk of the Ontario English Catholic Teachers' Association's concerns about or perceptions of the bill.

Beginning on page 5 and addressing the first principle, OECTA believes that since and as part of the Confederation agreement of 1867, there always has been the necessity of protecting the viability of the dual system of public education in Quebec and Ontario. The Roman Catholic public schools and the Protestant dissentient schools of Quebec, and the nondenominational public schools and the Roman Catholic separate schools of Ontario have all been maintained as essential parts of the public school system of Ontario and Quebec.

It follows then that the viability of the public secondary school system must be protected, just as the existence and health of the other branch of the public school system, the Roman Catholic separate schools, must be safeguarded.

In our opinion, these parts of the bill foster Roman Catholic secondary schools as well as protect the viability of the public secondary school system. OECTA's members stand ready to assist their boards in the design of secondary school plans and will, of course, implement them.

The second principle is, "The spirit and the letter of the constitutional guarantees must be made explicit in our provincial legislation for education." Presumably the grant regulations will apportion secondary public and Roman Catholic grants on the basis of student enrolment once this initial year has passed. However, it is unclear whether a Roman Catholic board must make a second election in addition to the one referred to in subsection 136a(1), if it is to share in the legislative grants. Also we find the language in section 136g unnecessary, complicated and opaque.

The third principle is that, "In implementing this policy the interests of students in all our schools must be first and foremost." Historically, there have always been some non-Catholics who from personal convictions have attended separate schools. OECTA also recognizes there will be a number of special situations that will necessitate non-Catholics attending Roman Catholic secondary schools. The Catholic community has already stated that this is not a problem. OECTA is pleased to note the distinction made between non-Catholic students who must attend the Roman Catholic secondary school for special reasons, and non-Catholic students who wish to attend such a secondary school.

I would like to move to the fourth principle, "There is to be no unemployment as a direct result of the policy extending funding." OECTA warmly endorses the government's intention to protect public secondary school staff positions where students do not enrol in their schools due to completion. Fairness calls for the co-operation of the Catholic community in this matter. Actually, the number of designated transfers may not be great since many secondary school teachers and supervisory officers began their teaching careers during the baby boom and will be retiring soon.

Thus, there should be a relatively minor expense or inconvenience for the government over the short span of 10 years. Furthermore, separate school boards have always employed some non-Catholic teachers and other staff, while still imparting a Catholic-based curriculum. OECTA as an association warmly welcomes its designated-transfer colleagues.

I would like to make some specific references to sections 136l and 136m. In subsection 136l(1) we feel the words "consequent upon" are unnecessarily vague. We suggest the more usual words "arising from" or "because of."

I refer you to clause 136l(3)(b). The phrase "substantially similar positions" will lead to

uncertainty and, therefore, to disputes. If the concept of similar position is to remain, we suggest the deletion of the word "substantially" so as to give more protection to the displaced employee. In order to give this employee more protection, we recommend the insertion of the words "who can perform the work required for the position" in the place of the words "substantially similar positions."

We make similar comments with regard to clause 136l(4)(b). Also, we raise the question, which employee has a preference if there is more than one qualified candidate?

In subsection 136l(8) the word "solely" in the third line will create confusion and difficulty of proof. We suggest its deletion to better protect the employee.

Moving to clause 136l(9)(b), we similarly suggest the deletion of the phrase "positions substantially similar" for the reasons I have already mentioned.

In subsection 136l(10) this provision appears to protect the salary of the displaced teacher for only one year. It is less protective than the normal red-circling clause. I believe I heard a representative of the Ministry of Education state it was the intention to use the concept of red-circling. We would suggest this legislation use those words. I would note it is the same language that was used when county boards were established.

In subsection 136l(11) OECTA believes the word "seniority" and its implied function should be defined and clarified. We share the position of the Ontario Teachers' Federation that no teacher, whether a designated teacher or a current separate school teacher, should be affected adversely by the completion of the separate school system.

The practical application of this position means the designated teachers who become employees of Roman Catholic boards should have no less seniority or protection against layoff because of declining enrolment than the designated person would have had if the employment had continued with the public board. It is also our belief that the legislation does not intend to place the seniority of currently employed separate school teachers in jeopardy.

In subsections 136l(11) and (12) we believe the salary, seniority and sick leave credit rights granted by the legislation should be extended to situations where a displaced person is employed by any Roman Catholic board and not just the Roman Catholic board in the same area. We suggest this because any employee displaced because of legislation should be protected, no

matter which Roman Catholic board employs him or her.

2:20 p.m.

We also believe any employee who has to move to gain comparable employment because of separate school boards electing to offer secondary education should have relocation expenses paid. All of the rights guaranteed by section 136l should be expressed as minimum standards, so that no employee may be forced to agree to a standard of lesser value.

On section 136m, we would make the following suggestions to you with respect to the arbitration procedures. It is not clear who the parties are and who might be an interested person. This must be clearly established. There are no criteria for decisions by arbitrators or boards. The arbitrator or board should have similar powers to those granted to arbitrators in the School Boards and Teachers Collective Negotiations Act and the Labour Relations Act; that is to say, powers to summon and powers to act on evidence not admissible in a court of law. It is also unclear to us who has the burden of proof.

It is our understanding Bill 30 agrees with the Ontario Teachers' Federation position circulated by the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario, but there should be procedures for the protection of teachers so that no teacher is affected adversely. Thus, we note with favour the clause protecting designated staff not hired by Roman Catholic boards. I refer you to subsection 136l(8).

The fifth principle is that "the distinctive mission of the Roman Catholic separate school system must be maintained." On this topic, one of Canada's greatest jurors, Chief Justice Anglin of the Supreme Court of Canada, had this to say:

"The idea that the denominational school is to be differentiated from the common school purely by the character of its religious exercises or religious studies is erroneous. Common and separate schools are based on fundamentally different conceptions of education. Undenominational schools are based on the idea that the separation of secular from religious education is advantageous. Supporters of denominational schools, on the other hand, maintain that religious instruction and influence should always accompany secular training."

The last principle, the sixth, is that "adequate provision must be made to ensure an orderly and cost-effective transition." The planning and implementation commission and the cotermini-

nous boards will, we believe, arrive at solutions appropriate for each situation, so that appropriate facilities and programs can be provided for both the public and the separate secondary school students without wasteful or unnecessary duplication.

I would like to stop here and allow for questions or remarks, and to make my concluding remarks at the end of our time.

Mr. Chairman: Thank you for your presentation to this point and for the detail where you have looked at certain items on which I am sure members would like some further clarification. Who would like to kick off here?

Mr. Allen: Mr. Chairman, like yourself, I appreciate the detail in the submission. In particular, I think we all are especially happy to see your proposals regarding the expansion of teachers' security provisions for designated teachers who might move into your system. I would have expected that to be the case from the Ontario English Catholic Teachers' Association since its task is to protect teachers in its own system. I would have been surprised had there been any less concern for others who moved in.

I want to be perfectly clear with respect to your proposal regarding the status of teachers who are transferring their seniority—in particular, about your remarks on the clauses in which you refer to seniority. You said the seniority the designated teacher transferring to the Catholic system should have should not offer less protection than he has in his own system. Then you had a concluding sentence to the effect that you are also concerned that transferring teachers not have more security than existing teachers in the system.

Could you phrase that for me in terms of some formula? That will vary, I presume, from board to board depending on the seniority gradient, if I can put it that way, of your existing staff and the seniority gradient of the staff from which the teacher in question came. Could you give us a little more detail on that so we are perfectly clear on what your proposal is in that regard?

Mr. Fauteux: The first thing I would like to point out to you is that it is not our belief that we are going to see huge redundancies in separate schools in Ontario. There certainly will be some redundancies in an isolated board across this province, but generally speaking—and I am using figures the Ministry of Education provided in 1983—we believe separate school boards will be in an incline right through this transition period. In fact, our submission to the planning and implementation commission suggested that by

1992 we will have increased our student population by 1.1 per cent. This was prior to the June 12 statement.

If redundancy does occur, we believe there have to be special considerations. These are extraordinary times and they require extraordinary solutions. Some of those extraordinary solutions would indicate that school boards should be provided sufficient funds to maintain the staff that currently exists as well as those teachers being designated in the transfer from a public school system.

I am quite in favour of my new colleagues coming with their full rights, as we have enunciated since June 12, 1984. At the same time, when the Ontario Teachers' Federation talks about it not affecting teachers adversely, I would like the committee to be aware that we are talking about all teachers in the Ontario Teachers' Federation, and that includes separate school teachers. I believe there has to be provision for the protection of both these individuals of whom I speak.

Mr. Allen: You have skated around the specific seniority issue.

Mr. Fauteux: I did not mean to. I realize what you just said to me; you asked if there was a formula.

Mr. Allen: Something you had in mind or whether you feel that you cannot—

Mr. Fauteux: No, because there is no specific situation. We represent some 52 collective agreements. Within those collective agreements there are different scenarios that are used to describe how seniority will be treated in the case of redundancy. In some cases a board may use length of service with that board. In other cases they use teaching experience, length of teaching with any board. In other cases redundancies are made on the concept of program and needs of a particular school board. The question of seniority will not necessarily always apply.

There is not always a weighting factor. Five years in the Toronto Board of Education would equal two years in the Metropolitan Separate School Board. That ratio does not necessarily apply across the province.

Mr. Allen: So you were trying to enunciate a central principle rather than lead us towards a formula?

Mr. Fauteux: That is right.

Mr. Allen: Okay. I just want to be clear about that.

May I also say I am pleased to see you have proposed what we were also proposing. I think I

put it on the table before the committee just last week, namely, that where hiring is beyond the coterminous board situation, the same protection should apply for a designated teacher. I am glad to see you are with us on that.

2:30 p.m.

On the more general question that I think troubles many members of the committee and others in the public about the circumstances of teachers transferring from designated lists and into the separate school system, some people do not know a great deal, as indeed I do not know a great deal, about the protections the Ontario English Catholic Teachers' Association provides for its own teachers with respect to dispute situations and cases where there is controversy over whether a lifestyle provision has been breached in the system or whether some other creedal factor has been breached.

Can you tell us something about the way in which OECTA functions with regard to those situations as a defender of its teachers?

Mr. Fauteux: OECTA represents all its teachers. The question of religion is never asked. Within our organization we divide into departments. We service our teachers through teacher welfare, commonly known as collective bargaining. We have a strong professional development department within our association as well.

We have a counselling and relations department that deals with all matters of a teacher's life. Sometimes it goes beyond school and teachers seek some counselling on their personal life. OECTA exists for that activity, and we will continue to serve, in particular on denominational questions.

It is quite obvious how I was going to answer that question. This association always reviews the process when the denominational rights of a school board come into question. My association is almost 42 years old and in that time we have had three cases of denominational questions affecting one of our teachers.

In those three cases OECTA intervened and reviewed the process, making sure the teachers' welfare and rights were established and protected. I do not see that situation changing at all with the completion of the separate school system. We are a service organization and we will continue to serve our members.

Mr. Allen: I think you were here for some of the discussion we had last week on the question of what precisely the words "religious creed" denote. From your experience in the system, what is your understanding of that term and its

extent, how far it defines matters of lifestyle and so on?

Mr. Fauteux: I heard Mr. Conway last week mention a broad definition of the word "creed" that I found acceptable. I understood it. I would go one step further than the Minister of Education and tell you it is my belief that creed does refer to faith.

Faith without its good works is empty, however; it does not mean much. I can have all the faith anyone can possess, but unless I am willing to practise it and put it into my daily work my creed or faith does not mean very much. I accept the definition alluded to by the Minister of Education as encompassing lifestyle.

Mr. Allen: I will leave it at that for the moment.

Mr. Timbrell: I have a couple of questions with regard to page 7, dealing with the question of access and the suggestion the planning and implementation commission, after hearings, should issue guidelines determining accommodation in terms of space availability. I think that is what alluded to here.

What suggestions do you have, assuming that stage in the bill, for making the application of it fair, equitable and reasonably expeditious so that families are not left hanging, waiting to know where and if their children can attend school?

Mr. Fauteux: I do not know that this has ever been a problem before, Mr. Timbrell. My place of employment is the Windsor Roman Catholic Separate School Board, which has experienced growth over a number of years. I do not know of any student who has been denied access in that school system. I have always had non-Catholic students within my classroom and it was never a problem. It never presented itself as a situation that the separate school board could not handle, because there was space.

I do recognize that space is a problem for both separate boards and public boards around this province. If we take the district of Peel, Dufferin-Peel, both the separate board of Peel and the public board are experiencing space problems. With the completion of separate school funding, both boards need to be guaranteed that they can, first, provide the service to their ratepayers, and when there is space that can accommodate someone who wishes to transfer from one system to another there are procedures to afford one that opportunity.

Mr. Timbrell: On page 8, on the question of the protection of teachers, as you know, on several occasions last week we discussed the

possible impact of this decision by government and the Legislature on elementary school enrolment and, therefore, on elementary teaching and support staff. Do you have any comments to make on that particular question? In those instances where elementary school staff are affected, how would you suggest their needs be attended to?

Mr. Fauteux: I am not sure we are going to see this as a major impact at the elementary panel level.

Mr. Timbrell: I do not think anybody has suggested there is going to be a major impact.

Mr. Fauteux: Okay.

Mr. Timbrell: The question that arose was, what happens when it does have an impact, in however many instances?

Mr. Fauteux: If we are talking about it being due to the completion of the Roman Catholic separate school system and not to natural declining enrolment of the public school system—and I alluded to that earlier when I talked about my understanding that the public school system is under great decline and was projected to be under decline before the June 12 statement—we accept those as principles.

I have no difficulty at all in accepting the principle enunciated by the Ontario Teachers' Federation, of which I am a member, that there should be provisions for these elementary teachers to stay within the public school boards and that the boards be granted sufficient funds from the Ontario government to see that through.

Mr. Offer: I have a question with respect to your 2.2.2 on page 5. You have indicated, in part, that Roman Catholic separate schools must be safeguarded. You then quote from Chief Justice Anglin, I believe. I understand your particular group is service-oriented—servicing your members and what not, as you have indicated. With respect to this, and especially on page 8 where you indicate there is a relatively minor expense for the government over the short span of 10 years with regard to high school enrolment, using that as a preamble, do you expect or have you encountered any problems or concerns from your members with regard to their possible difficulty in becoming employed due to the separate schools now having to take teachers displaced from the public sector?

Mr. Fauteux: Certainly the question is offered by several of our members who question our intent in making statements such as the one that the Ontario English Catholic Teachers' Association favours the guarantee of seniority for

the transferred teachers. But after they receive all the information about the fact that school boards are growing, that their jobs are protected, and when the Ontario Teachers' Federation or the Ontario English Catholic Teachers' Association submits that no teacher will be adversely affected, I believe they start welcoming the comments of their president.

We are not feeling at all uncomfortable about an expanding school system. We recognize, particularly in item 8 that you raised, 2.5.2, a considerable number of our members will be retiring in the next few years, at least before the 10 years has expired. I do not want to brag, but I am one of the younger members of my association; the majority of my members are older than I am, and there are several members who will move into retirement because they joined the profession in the major growth period of the 1960s. I believe they feel secure in their place of employment. They know there are new opportunities within the separate school system and they are welcoming that security.

2:40 p.m.

Mr. D. W. Smith: As I listened to your presentation, and maybe I can say the same was true when I listened to the Ontario Teachers' Federation, it seemed to me you are all saying: "We want absolute protection"—I use that fairly strong word, but it is coming across fairly clearly—"for all teachers whether they be Catholic or Protestant."

Do you not see that some problems could develop through time in trying to maintain, as I believe you stated here, that both systems must remain the same? Do you not see that as a very large challenge to the government, I suppose, as well as to all the people who have to work within those guidelines?

Mr. Fauteux: The separate school system has a mission, as many have alluded to, and it is distinct and different from the public school system. It remains distinct and unique because of the teaching staff, who are committed to performing duties and creating a community that speaks about religion.

I do not believe the transfer of 300 or 400 teachers across this province will destroy the character or ethos of those schools. I believe those teachers who are designated and who in September will take new employment with Roman Catholic boards will be welcomed by teaching staffs who will support them and assist them in the preparation and identification of the character of our schools. I do not see that it is a problem.

It is not a new situation for separate school boards to employ non-Catholic teachers, unless to say that all these designated or volunteer teachers are going to be all non-Catholics. That is not so either. I do not believe the situation is going to be difficult on September 3, 1985, because I know the intent of the teachers I represent, and their intent is to welcome warmly and to assist in the preservation of the ethos of our schools.

Mr. D. W. Smith: It may go over quite well on September 3, but I am talking about over a period of time. Do you think these two systems can remain as they are today? I guess I speak from my past municipal experience, but when there is a change in policy there usually has to be some give and take to carry out a new program or a new way of administering funds. When it comes out so clearly in everybody's presentation that everything has to remain the same, I just wonder whether it is physically or humanly possible.

Mr. Fauteux: Mr. Smith, for 150 years there have been elementary schools in Ontario, and there have been two sets of them. There have been public elementary schools and separate elementary schools, and they have remained unique and different. For the most part, teachers are paid the same and they have similar contracts. The decisions of the Ministry of Education as to what must be taught in those schools are followed by both parts, but they remain distinct and different.

We are talking here about adding just two more grades. I do not think adding two more grades is going to destroy or add to the destruction of either school system. They both provide excellence in education, and they do it in two different fashions. That will continue, although one will finally receive the same consideration with respect to monetary reimbursement that the other did.

Mr. D. W. Smith: We will leave it there now.

Mr. Davis: I would like to continue in the vein of seniority rights, because I think it is a very important aspect of the bill.

What you are suggesting to us is that in the decline that I believe your board will see in the next decade, if a teacher who is currently a member of the separate school—we will use some hypothetical figures—has 10 years' seniority and a public school teacher who came in at a particular time—this year or whenever it is—has 12 years' seniority, as I understand the process for declaring a teacher surplus to the system, based on seniority, the separate school teacher

with the 10 years would be declared surplus to the system prior to the teacher who came across from the public educational system.

I understand what you have indicated in your presentation to us is that this is unjust and unfair to the teacher who currently is in your system because if the public school teacher had not come in, his job would have still been protected. What I hear you saying should happen is that both those teachers should be protected because of decline.

Mr. Fauteux: Yes.

Mr. Davis: In effect, you are asking the government of this province to institute legislation which guarantees job protection to teachers currently employed or who will be employed in the next 10 years.

Mr. Fauteux: First of all, we have to talk about this in the context that not all of this is going to occur on September 3, 1985; a separate school board is not going to say suddenly, "Whoops, we have 15 other teachers here." Separate school boards have been under considerable review—their own review—this whole year as they have prepared submissions to the planning and implementation commission. I do not believe what you speak of is going to occur in 1985, and I suspect it is probably not going to occur in 1986.

As time progresses, the public school teacher transfer is going to gain another year of seniority. The teacher who is currently with the separate school board will also gain another year of experience. I suspect new teachers, not designated teachers, from faculties of education or those who are not currently employed in the school system will join. Those are three classifications of teachers.

My association will attempt to improve the status of seniority through seeking amendments to their collective agreements with regard to pupil-teacher ratios. I am sure my trustee friends are aware this is exactly where we will be going in September. We have tabled those resolutions already. There is a discrepancy between the two now; the separate school boards are higher. Should we reduce those pupil-teacher ratios, that adds to the security of both the public or designated teacher and the separate school teacher.

As I mentioned earlier, we have a considerable number of teachers—and I do not think we should treat it lightly—who will be retiring from our system. It is not inconceivable that in 1995 this province will join its colleagues south of the border that find themselves with major teacher

shortages. I suspect we are going to see that occur in Ontario as well.

2:50 p.m.

Mr. Davis: If I could just continue in this vein for a moment, and then I will drop it and ask a couple of other questions, I think it is fair to say the public educational system in Ontario did not expect the declines that hit them, although they were projected, and they did not expect to be declaring teachers with 10 and 15 years' service surplus to their educational system. If that occurred in the public educational system, then it can and probably will occur in your system.

Even though we wish to say there are teachers coming in at the lower end, what you are asking and suggesting in this legislation is twofold. One is job protection that is unique to any other profession in any other job area in this province. Second, you are asking the government ultimately to legislate, through that protection, the teacher-pupil ratios or the class size so that it no longer has to be negotiated but basically will be negotiated to begin with in the number of teachers in the system who are protected.

We need to look at that. It would be interesting for us to know, if it is possible to obtain it, the retirement projection for the separate school board, for the next decade say. That would give us a little better handle on what we are seeing.

There are two other questions I would like to deal with.

Mr. Chairman: Is it possible to get that information?

Mr. Fauteux: I would like to respond to two things. For the numbers you require with respect to retirements, we can give you good guesstimates of the superannuated teachers.

Mr. Davis: Provided we do not have early retirements.

Mr. Fauteux: We will not comment on that. My colleagues in the Ontario Teachers' Federation submitted those resolutions to you earlier.

There should be a distinction between declining enrolment caused by a lack of students and declining enrolment resulting from the expansion of separate schools.

I keep referring to the statistics of the Ministry of Education. In November 1983, for separate schools they projected that in 1985 there would be 431,465 students from junior kindergarten to grade 10. Using those same grades, they projected an increase for separate schools in 1992 to 436,343 students, a growth of 1.1 per cent.

For the public secondary schools, using grades 9 through 13, in 1985 there were to be 541,340

students. In 1992—this is without completion—there were to be 483,444 students, a decline of 10 per cent. That was before completion. I suspect the public school system will have a further decline because of the expansion of separate schools.

It has to be clearly identified that students will not be in public schools for two reasons: (1) they are not available and (2) they have moved to a separate school system.

Mr. Davis: I would like to pick up on Mr. Timbrell's remark about the elementary teachers.

Mr. Timbrell: What did you mean by "they are not available"?

Mr. Fauteux: They do not exist.

Mr. Timbrell: The schools or the students?

Mr. Fauteux: The students, the population, because of declining enrolment.

Mr. Timbrell: I am sorry.

Mr. Fauteux: I do not want to get too creative with my language.

Mr. Davis: I know the numbers are not large, but there are a number of separate school students currently in the elementary system who in the normal course of events would go through our grades 7 and 8 to our grade 9. It is suggested those students will now transfer or a number of students who normally would have come across to our system in grades 7 and 8 to move into our secondary panel will now remain in your system.

The question I want you to try to clarify for me is this: in respect of elementary teachers who lose their jobs and we can identify that it is because of the extension of funding, who is responsible for those teachers? Is it the responsibility of the separate school boards to incorporate them into those special lists or, in your opinion, are they to remain the responsibility of the public schools?

Mr. Timbrell: Neither.

Mr. Fauteux: I like Mr. Timbrell's answer.

Mr. Timbrell: It was not an answer; I was baiting the witness.

Mr. Fauteux: OECA supports the position taken by the Ontario Teachers' Federation. Those teachers should be supported in a public school system by the Ministry of Education, and funds should be made available to a public school board so those teachers can remain in the employ of the public school board.

Mr. Davis: In effect, you understand Bill 30 to mean those teachers will not be guaranteed jobs in the separate school system—they will float somewhere, either in the public school system or

in no man's land—because at present nobody seems to know what to do with those teachers.

Mr. Fauteux: It is possible a teacher in the public school system would seek to find employment in a separate school even if he is an elementary school teacher. It is not an uncommon activity for a public school teacher at the elementary level to seek employment. We might classify that as voluntary, but they have to remain distinct and different from the procedures you establish in Bill 30, which addresses specifically the secondary panel.

Mr. Davis: Although I have not searched the records, I believe the Minister of Education and the people who composed the bill stated that any teachers who can be shown to lose their jobs because of the extension of the funding will have jobs.

Mr. Fauteux: Yes, I agree.

Mr. Davis: I assume that to mean they will have jobs in the separate school system.

Mr. Timbrell: Why your reticence about the subject?

Mr. Fauteux: It is not reticence. There is no reticence on my part. I believe we were talking about tracking students who can easily be identified from a public school system to a separate school system. I note that in Mr. Davis's question to me, he also said you have to identify those elementary students who would transfer because of completion of the separate school system. I have no problem with that identification.

I do believe, and part of it comes from my colleagues in the public school system who have suggested this to me, that teachers would be better served if they were allowed to remain within the public school system. We find this concept acceptable. I also do not have a problem with similar procedures being established for these teachers to find rights within a separate school system, but there should be a clear distinction between the impact at a secondary school and that at an elementary school.

Mr. Davis: Paragraph 2.4.3 of the Ontario English Catholic Teachers' Association brief states, "OECA is pleased to note the distinction made between non-Catholic students who must attend a Roman Catholic high school for special reasons and non-Catholic students who wish to attend such a high school." I wonder if you would like to comment on why you made that comment.

Mr. Fauteux: I get to speak about this resolution often these days, Mr. Davis. Let me use as an example a student in the north who

attends a Roman Catholic secondary school because there is no other school available to him without a two-hour bus ride. That student should have access to a separate school and should not be required to take religious training or to be involved in the religious program of the school.

I accept that as a concept that should be supported, but that is quite different from a student in Metropolitan Toronto who wishes to leave a public school in the Toronto Board of Education to attend St. Joe's Wellesley; there the student has a choice. Again I believe the student has a right to attend St. Joe's Wellesley, but because that individual did have the option to attend a public school system, I do not believe the religious instruction exemption should apply to that individual, because he or she—in that case it would be a she—had the right to be exempt from religious instruction by attending the public school system.

Mr. Davis: You would have a lot of applicants if it were a he.

Mr. Fauteux: Probably. From reading the bill, I believe the ministry was showing there was a distinction between those two situations. That is what I am commenting on, and that supports the position of our association.

Mr. Davis: But it does not necessarily support the position of your cardinal. Cardinal Carter has stated that he did not believe it would be a negative factor in what he called the ethos of separate school education if a student going to a separate school had the right not to take religious education.

3 p.m.

Mr. Fauteux: I am not prepared to comment on what Cardinal Carter has said, but I do know the answer that I just afforded you is the same answer that has been discussed in the Catholic community several times, and as others appear before you I believe they will give you the same answer I gave you.

Mr. Davis: Let me qualify my question. I do not understand the religious education in your school system, and I will ask either yourself or some other group to comment a little more on that. It seems to me the essence of religious education is sacramental life. Is the non-Roman Catholic student who is asked to take part in the religious education also allowed to take part in the sacramental life?

Mr. Fauteux: No, not in the full context of sacramental life. They can certainly take part in several of the liturgies and activities of the program of the school without any difficulty at

all. They are certainly welcome to participate in all of the activities of the school. There is only one area of exemption—and I believe you are aware of it—and that would be receiving communion at the end of a Eucharist. That is the only exemption.

Mr. Davis: Would they be required to go to the Eucharistic service?

Mr. Fauteux: Which students are we referring to now?

Mr. Davis: Non-Catholic students.

Mr. Fauteux: Who go because of choice?

Mr. Davis: Because of choice.

Mr. Fauteux: Would they be excluded?

Mr. Davis: Would they have to go to the Eucharist, even though they cannot receive it?

Mr. Fauteux: You would have to elaborate on that question more and tell me whether it was before school or part of the regular program, because it varies. In our Catholic secondary schools, you can find a Eucharist celebration before school, at lunch and after school. Obviously those are not requirements but sometimes are extensions of the regular program. I would expect that a student in the regular program would want to attend.

Mr. Davis: That is not the question I asked. Would they have to go? I think that is a very important question.

Mr. Fauteux: If you were more specific about when the celebration would be occurring then I could tell you whether it would be mandatory or not mandatory. I assume that if they chose to come to the school, they chose to accept the religious program out of their own intent to be there and that they are not looking for ways of opting out but rather ways of opting in.

Mr. Davis: It seems to me, because the public education system is publicly-funded, there is a clause to the effect that any student can ask to be excused from religious instruction at the opening of the day. I know there is a diversity within the Catholic community and I think the Catholic community needs to deal with it. I think it needs to deal with it when some of its eminent leaders say one thing and the bishops also support that, while other bishops say something else. I know you are not going to get a solid answer, but it seems to me if a student comes we need to clarify whether that student will have the option of saying, "I do not wish religious education."

I also need to know more about your religious education programs. For example, I have no problem when you teach history and you mention

the role that the church and religious organizations have played in human history throughout the ages. Do you have a program that is uniquely religious in nature? For example, you might use catechism classes which are offered to students on Saturdays and in your churches to enable them to gain the knowledge to become confirmed. Is that part of your process?

Mr. Fauteux: That is in elementary school and not in secondary school.

Mr. Davis: I do not know what is in secondary school and I need to clarify that more.

Mr. Fauteux: I can certainly send you the guidelines that are used, if you wish.

Mr. Davis: Yes. I would like to see them.

Mr. Fauteux: I will certainly send you those guidelines so you can be aware of the full program.

Mr. Chairman: Perhaps you would send that to the chair so I could to make them available to all members.

Hon. Mr. Conway: If I could add a word to Mr. Davis: we should not lose sight of two things. The non-Catholic student presumably has the choice Mr. Fauteux described. Where that non-Catholic student is in a Catholic secondary program by choice, you will note at the top of page 12 of the bill, subsection 136o(7) provides that a Roman Catholic school board may exempt any pupil who is not a Roman Catholic from programs and courses of study in religious education.

It seems to me it is quite a reasonable set of circumstances we have afforded both in practice and in this legislation, recognizing that a non-Catholic student who opts for a Roman Catholic secondary education has made that choice.

Mr. Davis: I am aware of that clause. I guess the question is directed to the minister. In that clause there is no option for a parent to apply, but I assume that is what is intended. The student applies; but since it says "may," if that particular jurisdiction says no where does the student go?

Mr. Chairman: Under the act at the moment there is no appeal. We are coming down to some of the basic questions about what makes the system separate. If we are talking about somebody who is making an active choice for no reason such as handicap, program or distance involved, I wonder whether we are talking about the clarity of information as to that person's rights in entering the system rather than the question of whether, on a totally voluntary basis,

he should be excluded from what is otherwise a separate system.

Mr. Davis: That is a fair explanation, except I believe in the various debates that have centred on this subject it has been pointed out that if a non-Catholic student decides to go he currently is required to enter into the full religious program that is possible. However, when it becomes a publicly funded board, as is now going to happen, numbers of people are asking that question. We should try to clarify it as we prepare to examine the legislation.

Hon. Mr. Conway: I think Mr. Davis misunderstood the current practice of many Roman Catholic school boards. There are people who are going to appear before this committee who can speak to this better than I can, but it is my understanding that it is not the practice of many separate school boards, if any, to make non-Catholic students take religious instruction. I am sure some of the witnesses will make that very clear.

Let me reiterate that what we have to keep in mind here is the situation where the non-Catholic, by choice, opts for a Roman Catholic secondary program. Where that choice is exercised by a non-Catholic in favour of a Catholic secondary program, this legislation also provides the opportunity for an exemption which, on the basis of practice as I understand it, is almost always, if not always, exercised in favour of granting the exemption.

We have to understand the practical realities as they are and as we hope they continue under this legislation for that non-Catholic student who exercises the choice to go to a separate denominational school system.

Mr. Chairman: The Metropolitan Separate School Board is coming up next, Mr. Davis; perhaps you could ask the specific question of them. I know you would not expect the Ontario English Catholic Teachers' Association to be able to solve any differences that might occur between church hierarchy. I know there is unanimity within your denomination but not necessarily in all others.

Can I get Mr. Reycraft on the list? We are a little behind time. I am sure others who took themselves off the list might have other questions as well. Would that be all right, Mr. Davis?

Mr. Davis: Yes. Fine.

3:10 p.m.

Mr. Reycraft: My question is addressed to section 2.5.3 of the brief, on page 8, particularly the recommendation for clause 136l(b), where

you suggest changing the wording to "who can perform the work required for the position." There are many teachers in the public secondary schools, and perhaps in the separate schools, who hold qualifications and some certification for supervisory officer positions.

Is it your intent to have those people now with the public board who might end up on the designated list offered supervisory positions in the separate system, perhaps ahead of others? Is that the intent of what is being suggested?

Mr. Fauteux: We are referring to their current positions. If they are currently employed as supervisory officers and are designated for transfer, that is one thing. If they are teachers just holding those credentials, they could be considered but would not necessarily have to assume that position.

Mr. Reycraft: I think most people would interpret it the way I did if that wording was used.

Mr. Fauteux: When we use the phrase, "who can perform the work required for the position," we are talking about the organization of the separate school which is often different from that of our public school counterparts. A teacher may have a responsibility in physical education and religion and there would not necessarily be someone carrying out that same job in a public school system but who has the qualifications for that job. We are saying it is the nature of the work that should be afforded to this individual, not necessarily the definition of the position. We are trying to clean up the language and intent here.

Mr. Reycraft: I have another question related to the next section in the brief. I am not clear on the relevance of what you are suggesting with respect to clause 136l(4)(b). Could you comment on that?

Mr. Fauteux: With respect to which employee has a preference? I will refer this to Mr. Cavalluzzo.

Mr. Cavalluzzo: Our concern here is whether, if there is more than one qualified candidate for the position in question, the Legislature in its wisdom might dictate who would have preference or whether you would prefer to leave that up to the school board. It seems to us that if there are more objective criteria it would give more protection to the teacher. That is our concern with that suggestion.

Mr. Reycraft: The same situation occurs all the time in both systems now. I am sure boards would not want to find themselves restricted to seniority to determine—

Mr. Cavalluzzo: I am sure that would be the position of the board; it is certainly not the position of the teachers.

Mr. Reycraft: I agree with you.

Mr. Allen: I have two questions. First of all, some of our discussion last week on the bill was with respect to the apparent anomaly of non-Catholic teachers coming into your system, who will be provided hypothetical protections and real protections in their terms with regard to lifestyle considerations, religious observance and so on that teachers currently in your own system would not have. Does that present a problem for your organization? Is there any respect in which you want to address this bill in order to meet that matter? Is it a concern of yours that needs addressing in this legislation?

Mr. Fauteux: It does not leave us concerned at all. We recognize there are designated teachers who will volunteer or be assigned duties in a separate school board. We also recognize there are several of us who teach in separate school boards by choice. I chose to be a separate schoolteacher and to teach in a separate school. It was my conscious decision, recognizing that I knew the board that would employ me would have denominational rights afforded to it under the British North America Act. My colleagues who are currently within the system understand that. It is not a problem for me and I do not suspect it will be a problem for the designated teacher either.

Mr. Allen: Thank you. I have a question to Mr. Cavalluzzo. There was a question raised late in last week's discussion with respect to subsection 136l(21) on page 9 as to whether this legislation might incorporate not only section 23 of the Ontario Human Rights Code, 1981, but also section 18 which makes a specific reference to the protections under the British North America Act.

From your legal perspective, do you have some comment on the wisdom or otherwise, from the point of view of the Catholic separate schools, of including that additional section of the Human Rights Code in that clause?

Mr. Cavalluzzo: You are talking about section 18?

Mr. Allen: At the top of page 9, subsection 21 says, "Subsections (1) to (20) apply despite section 23 of the Human Rights Code, 1981." It was suggested that the other clause which is relevant in the Ontario Human Rights Code, section 18, should also be written in there. I am

asking you whether writing it in creates a problem for you or for the board you represent?

Mr. Cavalluzzo: I do not represent a board, I represent the teachers.

Mr. Allen: Or the teachers you represent.

Mr. Cavalluzzo: It would only be out of an abundance of caution that you would add the new provision. This Legislature could not legitimately and with jurisdiction enact a law that would prejudice the section 93 rights as they are. If you were to add a further provision, it would only be out of an extreme abundance of caution because you do not have authority in any event to interfere with those constitutional rights.

Mr. Allen: In effect, writing it in would be a nonstarter. It would not go anywhere in the courts.

Mr. Cavalluzzo: That is right.

Mr. Chairman: There is one thing I want to raise before I let you go. That is your question on page 8 about the use of the word "solely," which is a point well taken. In the case where there may be some confusion about the range of things that are causing teachers to lose their jobs, because of the word "solely" they could easily not make it on to a designated list, even if one of the major factors, in fact the major factor but not the only factor, might have been the moving of students into the Catholic system.

I do not mean to catch the minister off guard, but what is his response to the problem that has been raised with respect to the use of the word "solely" when there might be several potential causes in this confused business of declining enrolment in the schools?

Hon. Mr. Conway: Having conferred with legislative draftsmen on this subject, my recollection of the reason for the inclusion of the word "solely" was to provide for the situation where—perhaps Mr. Mitchell might want to comment on this—if you were to remove "solely," you would be in the situation where you could not terminate for any reason, save and except—

Mr. Chairman: Can you get to a mike, Mr. Mitchell? There is one at the end there.

Hon. Mr. Conway: We had quite a discussion about this and the concern was that if we did not include the word "solely," there would be no ability for the board to terminate. Do I represent that fairly?

Mr. Mitchell: Yes. What we are interested in doing here is protecting teachers impacted by this policy, but we are not interested in tying the hands of a school board which might have other

reasons completely divorced from this policy for letting a teacher go.

We are protecting the teachers who are made redundant and forced into a position where they might have to transfer from one board to another as a result of this policy, but we did not want to extend protection any further than that. If you take the word "solely" out, you could be saying that if there are other reasons for letting the teacher go the board would not be able to do so.

Mr. Chairman: I do not want us to get into a long legal argument but I would like to give Mr. Cavalluzzo a chance to respond.

3:20 p.m.

Mr. Cavalluzzo: In representing employees for a number of years, what concerns me in this kind of framework is that at the time of termination, even though one of the predominant reasons might be the completion of funding, in order to terminate the teacher the school board could come up with another reason. It could say, "I do not like the colour of his hair," or whatever, and all of a sudden terminate the employee without any protection.

If you are concerned about withdrawing the word "solely" surely there are other things you can do to protect teachers. Possibly you could state that the predominant motive or the main reason is completion, or something like that, so at least there is some protection.

Hon. Mr. Conway: I think we can take a look at that wording. We have had some discussion about it in the drafting of this legislation. There was the concern that it would not unduly restrict the ability of the boards to terminate. You are not the first group to raise this matter. I think we can take another look at the language there.

Mr. Chairman: That is the reason for coming before committees. I hope you did not get too nervous when Mr. Mitchell said, "Yes, minister," to you. Did you like that? I thought that was great.

Mr. Fauteux, would you like to go ahead and make your concluding remarks.

Mr. Fauteux: It is most gratifying to witness the all-party support of Bill 30. We shall continue to be encouraged by remembering such statements as, "The government sees the completion of funding as a major contribution to preserving the unique mission of the Roman Catholic secondary schools."

The extension of financing to separate schools, grades 9 and 10, demonstrates that financial and operational arrangements can evolve over time and honour the intentions of the

original constitution. If we work co-operatively and prudently, we can complete this task without compromising the quality of our public schools, while demonstrating the essential justice and good faith of our society.

Vulnerable Roman Catholic children are the victims in a school system where continuous progress is difficult and where separate schools are illogically and unacceptably cut off at the end of grade 10.

It has been an honour and a privilege to appear before this committee. We thank you for your attention and extend our best wishes in your historic task. OECTA feels Sir John A. Macdonald's words have become a prophecy in 1985: "The minority in both Upper and Lower Canada will be obliged to throw themselves on the justice and generosity of the majority...I feel that their confidence in that justice will not be unfounded."

I would like to thank you and also indicate to you that it may be the intention of the Ontario English Catholic Teachers' Association to submit further documentation and further responses as we monitor your hearings as well.

Mr. Chairman: Thank you for offering the retirement projections, as well as any other documentation you would like to send to us. I know committee members will want to read them. We will not have that much reading in the next 12 weeks or so.

The next representatives are the Metropolitan Separate School Board. This is exhibit 15, which has been distributed and is in your kits.

There is going to be a little shifting around and some noise in the room as we get resettled. Perhaps the chairman of the board can introduce the other deputants and we can get started. I am sorry for the delay. We will no doubt run over from time to time as people get fixated on one question or another.

METROPOLITAN SEPARATE SCHOOL BOARD

Father Boehler: I would like to begin by introducing the members of our delegation.

I am Edward Boehler, chairman of the Metropolitan Separate School Board. Mr. Peter Meneguzzi, on my left, is our deputy director for business and finance. Mr. Rolland Fobert, on my right, is in charge of secondary schools for the MSSB. Mr. Hugh Kelly, on my right, is the board's solicitor. Mr. Norm Forma heads the curriculum department at the MSSB.

Our statement will take about 15 minutes and then we will be very happy to respond to any questions.

The Metropolitan Separate School Board welcomes this opportunity to present to the social development committee its views on the bill to amend the Education Act to extend full public funding for Roman Catholic secondary school programs.

MSSB was incorporated by the Metropolitan Separate School Board Act, 1953, chapter 119. Throughout Metropolitan Toronto, the MSSB exercises the powers and fulfils the duties of an urban separate school board within the meaning of and pursuant to its act of incorporation and the Education Act, Revised Statutes of Ontario, 1980, chapter 129, as amended.

Since 1953 when the board began, the number of pupils educated by the MSSB has increased from 18,500 to the present total of approximately 95,000. The number of teachers and other staff has increased from 534 to the present total of approximately 6,800. The number of schools under the jurisdiction of the MSSB has increased from 45 to the present total of 219. In September 1985, the MSSB will operate 30 Catholic secondary schools in 34 locations with an anticipated grade 9, 10 and 11 enrolment of approximately 19,000 pupils and with a full-time equivalent teaching staff of approximately 1,150 teachers.

In the statement of its goals and objectives, the MSSB recognizes that God is the focal point of Catholic education that influences the entire school community and the total learning experiences in the daily life of the Catholic schools. Our statement of goals and objectives is in appendix A at the back. The Catholic school speaks of the meaning of life, development of Christian values and importance of faith, and provides its students with insights and spiritual incentives needed in a materialistic and fragmented world. It is this Catholicity of our schools that makes them different and most relevant to the Catholic community of Metro Toronto.

The completion of our school system brings with it the challenge of maintaining the Catholicity of our schools, which is the *raison d'être* for Catholic education. The essence of the principal purpose and philosophy relating to Catholic education cannot be compromised.

The MSSB has been heartened by the nearly unanimous support of all members of the Legislature to the wishes of the separate school electors to be treated equitably in relation to the nondenominational public school system of Ontario. The MSSB endorses without reservation the six principles that the Minister of Education outlined in his statement to the

Legislature providing the basis for the proposals embodied in Bill 30.

These submissions are put forward by the MSSB in a spirit of co-operation with the Legislature, but must be viewed in the light of the constitutional protection ultimately determined by the courts in response to the referral under the Constitution Act.

3:30 p.m.

Time constraints do not permit a detailed analysis of each of the sections and clauses of the bill. The MSSB has struck a task force to review the legislation clause by clause. We would like the opportunity at a later date to present to this committee suggested text for revisions to Bill 30 to deal with these and other concerns.

There are four areas the MSSB wishes to draw to your attention for consideration. The four areas are the ones dealing with elementary and secondary estimates, teaching and other staffs, the right of a pupil to attend separate secondary school and assistance by the commission.

The first of these is the elementary and secondary estimates. The bill says, "Every Roman Catholic school board shall continue to prepare and adopt the estimates required of it for elementary school purposes and must prepare and adopt estimates for secondary school purposes in the same manner as is required of a public board."

This section of the bill continues a practice initiated in this province to reflect the needs of boards of education which, by law, operate two panels, elementary and secondary, with two distinct assessment bases and two distinct sets of trustees. After a separate school board elects to become a Roman Catholic school board, the Roman Catholic school board will have the same assessment base for elementary and secondary school purposes and the same trustees will be responsible for adopting its estimates.

The MSSB believes all school systems are better served administratively, economically and educationally without the preparation or adoption of two sets of estimates, two tax bills, etc., for each system. In the view of the MSSB, there is no need to adopt two sets of estimates.

The second point is teaching and other staffs. The inherent principle in the bill is that the teachers follow the students, regardless of whether the teachers are voluntary transfers or formally designated. The designation process must implement this principle.

There are public secondary school employees who may wish to transfer voluntarily to Roman Catholic school boards. The MSSB believes

voluntary transfers should be encouraged and that such transfers be considered to fulfil part or all, as the case may be, of the mutually agreed upon number of personnel dislocated directly as a consequence of completion. The MSSB proposes that the provision of employment for designated persons should be initiated only when a Roman Catholic school board has not met its commitment by voluntary transfers. There are several advantages to the public and separate school boards if this suggestion were supported.

First, it will provide a greater opportunity for public secondary school teachers with many years of experience to make a change. Second, it will provide greater opportunity for public school boards to retain their younger teachers, thereby alleviating a growing problem of an ageing teaching population in the public secondary schools. Third, it will enable the Roman Catholic school board to enhance its younger teaching staff with more mature and experienced teachers.

For example, it appears to the MSSB that where a Roman Catholic school board employs a public secondary school teacher of mathematics who has 20 years of experience, a position is created in the public secondary school for a teacher of mathematics with less experience; consequently, there is one less teacher to be declared redundant or one less teacher displaced.

The MSSB urges the legislation be revised so that the number of volunteers who accept employment with a Roman Catholic school board will reduce the number of supervisory officers, teaching staff and other staffs which the public board shall have the power to designate.

The MSSB is committed to the principle embodied in this bill that no secondary school supervisory officer, secondary school teacher or secondary school nonteaching person employed by a public school board should be without employment as a direct consequence of the funding of Roman Catholic secondary schools. The MSSB believes subsection 136l(3) must be confined to secondary school teachers, secondary school supervisory officers and other staff employed in secondary schools.

In his statement to the Legislature, the Minister of Education noted as a principle that the distinctive mission of the Roman Catholic separate school system must be maintained. The application of section 136l in its present form, however, may jeopardize this principle because of the need for leadership by persons committed to the distinctive mission of the Roman Catholic schools.

The third point we wish to comment on is the right of a pupil to attend a separate secondary school. The legislation reads: "A person who is qualified to be a pupil in a secondary school operated by a public board is entitled to be a pupil in a secondary school operated by a Roman Catholic school board if,

"(a) the public secondary school is in the area of jurisdiction of the Roman Catholic school board; and

(b) the director of education or, if there is no director of education the appropriate supervisory officer of the Roman Catholic school board, certifies that there is accommodation available for the person in the secondary school operated by the Roman Catholic school board."

The Metropolitan Separate School Board wishes to be on record in support of the clauses in section 136o of the bill. It is noted that the provisions in this section, as they apply to available accommodation, are similar to subsection 40(1) of the Education Act.

The MSSB is aware there is some support for permitting unconditional access to Roman Catholic secondary schools. It wishes to point out that any decision in this direction will run counter to a major principle enunciated by the Minister of Education that the "distinctive mission of Roman Catholic separate school systems must be maintained." This distinctive mission cannot be maintained if access to the Roman Catholic secondary schools is without restrictions.

The MSSB also understands and accepts there will be "situations in which it will be necessary for a non-Roman Catholic student to attend a Roman Catholic secondary school, because of availability of program, or distance, or mental or physical handicap. Under these conditions, an exemption from religious education must be granted by the board if requested. The details for these conditions will be defined during the consultation period ahead."

For other students who choose voluntarily to attend Roman Catholic secondary schools and where the student is accepted in the light of adequate accommodation, the student should be exempted from programs and courses in religious education only under the conditions proposed in this section of the bill.

The fourth point we address in our brief is accommodation needs. The legislation reads:

"A public board or a Roman Catholic school board, or the minister, may request the planning and implementation commission to arrange or assist in, or both, negotiations between the two boards respecting the transfer of the use or

ownership of real or personal property and the transfer of persons on the teaching and other staffs for secondary school purposes." I guess it should read, "to either arrange or assist in, or both," etc.

The MSSB supports the provisions contained in this section of the bill. It believes that through the mechanisms proposed in this section some of the potential disputes concerning the use of school facilities will be resolved. The MSSB supports wholeheartedly the expectation of the government, as enunciated by Premier Davis on June 12, 1984, that:

"It is not the expectation of the government, and I trust the separate school systems across Ontario will recognize this clearly, to expend large sums on new capital grants to accommodate demands for new secondary school facilities. Rather, the commission will ensure that our abundant capital stock is effectively employed to provide a full range of programs."

The MSSB has recognized the viability of this approach for some time and has appreciated the historical co-operation of its coterminous boards. The MSSB has purchased one school and shared a further six with public school boards. It has also leased eight schools and is in the process of leasing two others, including a former public secondary school building.

The MSSB has appreciated the past co-operation it has received from its coterminous public school boards and wishes to acknowledge this publicly. It recognizes the attachments formed by electors and their children to schools and the difficulties faced by school boards in closing schools and/or transferring them to another school board.

Accommodation is a critical problem of the MSSB since its facilities, permanent, temporary and leased, are currently stretched well beyond capacity. There is currently no secondary school building in its system that does not have an enrolment significantly higher than the rated capacity of its permanent buildings.

All but one of its present secondary school facilities were built to elementary school standards or were constructed to serve the needs of private school students. Specialized facilities for technical, vocational and special education secondary school program needs, as well as the ancillary space required to support secondary school programs, are very limited.

The MSSB thanks you for the opportunity to share with you our impressions of the legislation.

3:40 p.m.

Mr. Timbrell: I want to refer to two or three items you raised. Looking at pages 5, 6 and 7, would it help your position if we were to accept the Ontario Teachers' Federation proposal that positions be designated as redundant and therefore subject to transfer between the systems, rather than persons, given that you have stated the position that volunteers could be recruited first before moving on to others?

Father Boehler: The basic principle for us is that the volunteers be given a chance first. The fact of positions being designated is fine, and I see no problem with that.

Mr. Timbrell: Would that make it easier, in your view?

Father Boehler: It might make it easier.

Mr. Timbrell: Related to that, on page 7 you are very explicit about this applying only to secondary school teachers, supervisors and other employees. You have heard some of the earlier discussion with OECTA, which was very similar to some discussion that went on last week with respect to the potential impact in some areas at some point on elementary teachers, supervisors and support staff. Why have you been so implicitly opposed to looking at or making room for or accommodating the impact on the elementary path?

Father Boehler: There are several reasons. First of all, I believe it is inconsistent with the rest of the legislation. This is the only place in the legislation I have seen where the elementary is brought in. This bill deals with the question of secondary completion; so there is that inconsistency.

It is our considered opinion that in Metropolitan Toronto, the impact at the elementary level will be very minimal. We do not think it is going to happen. We have not had any inquiries from that area on any substantial number of people proposing to change from public elementary to our schools. We have not budgeted any money to accommodate such transfers, because we do not think they are going to happen.

Another point is that in the past 10 years our service factor has increased dramatically, from around 30 per cent of the potential separate school children who have enrolled in our schools to around 80 per cent at present. We have had a tremendous increase in our service factor and in the attendance of Roman Catholics at our schools, but our experience and the history in the Metropolitan Toronto area show there has been no significant loss of jobs in the public school system.

To cite some examples, the Toronto Board of Education in a 10-year period lost some 30,000 pupils. To the best of my knowledge, no teachers were laid off. Attrition is a tremendously powerful weapon in looking after this problem. At the secondary level, in a five-year period, I believe some 5,000 pupils were lost by declining enrolment in the public secondary system in Toronto and only 6.5 positions were lost as a result of that decrease.

Those are some reasons we do not think it is going to apply to the elementary. We also think there are very explicit constitutional guarantees in place in regard to the elementary system, and there would be the question of a constitutional problem if we were to try to apply new provisions.

Mr. Timbrell: Yet if you pursued your earlier point about allowing for volunteers, in the rare event—and I concede it would be a rare event—when this impacted on elementary staff of whatever description, if you opened it up for volunteers you could accommodate them, could you not?

Father Boehler: Whether or not we could, I do not think the whole question of the elementary school system is on the table at present. We have our elementary school system in place. I do not think the Catholic separate school community is prepared at this time to discuss any questions of our entrenched rights with regard to elementary schools.

Mr. Timbrell: I do not think we are talking about the entrenched rights so much as we are talking about people. While we all support the basic principle of the bill, which is to complete the funding of the Roman Catholic school system, we do so with very deep concern about the impact on students and all staff. That is something about which we have asked for some legal opinions.

Father Boehler: Mr. Timbrell, we are very anxious to avoid suffering with regard to people and teachers who may be redundant. We just do not think it is a problem. The earlier points I raised are the good ones, I think. Despite the tremendous increase in enrolment we have experienced and the increase in our service factor, no jobs have been lost in Metropolitan Toronto.

Mr. Timbrell: Mr. Chairman, it might be useful to get some information from the ministry with respect to those parts of the province where there has been a significant increase in enrolment at the separate elementary school level over the

past 10 or 15 years, say, to see whether any positions have been lost in the public elementary system that can be attributed to that to give us some indication of what we might expect and what the risks are.

Mr. Chairman: I will be glad to pass on the request.

Mr. Timbrell: I have one other question that goes back to Rev. Davis's earlier questioning. While I taught in the elementary school panel, junior high school sort of transcends both. On page 8 you indicate: "This distinctive mission cannot be maintained if access to the Roman Catholic secondary schools is without restrictions." Can you expand on that a little, as to why you feel that mission would be in danger in some manner or means?

Father Boehler: First of all, we believe there is universal access, which is guaranteed by the bill in its present draft form. In our own case, the Metropolitan Separate School Board has been happy to admit non-Catholic children into its school system, and it is the policy of our board to do so when there is space. That is exactly the same condition that is attached to the draft legislation, as you are aware. Space permitting, we will be happy to entertain requests from non-Catholic pupils and their parents to enrol in our schools.

We had to declare a moratorium on such admissions approximately two years ago because of the very problem this legislation is endeavouring to correct. The problem was the lack of accommodation in our secondary schools. We had long lists of people looking for accommodation in our secondary schools, and we had no place to put them. We had pupils who were required to accept not their first or second choice of high school in Metropolitan Toronto but their third choice, maybe 15 or 20 miles away from their residence, because there was not sufficient space.

3:50 p.m.

We had to do something to curtail the problem. Part of the problem was that when non-Catholic children were accepted in our elementary schools very often they came in the higher grades, grades 7 and 8; they were sort of getting their foot in the door. Once they were in one of our grades 7 or 8, they were exactly on the same footing with regard to application to one of our secondary schools.

That was the reason we declared the moratorium on admission of non-Catholic pupils to our schools. We agree with the terms of the draft

legislation, and we are quite prepared to lift that moratorium and to welcome once again the students into our schools as fee-paying students on a space-available basis as soon as we have that kind of accommodation available.

Mr. Timbrell: I am not sure that totally answers my question, because if you had all the space in the world available, what you have just said could be construed to be a little bit at odds with what was said on page 8: "This distinctive mission cannot be maintained if access to the Roman Catholic secondary schools is without restrictions."

Father Boehler: The restrictions we see are, first, that they are paying a fee from the sending board; and second, that ordinarily they would be required to follow the whole program. They would be taking the entire program, including the religious education component. In our experience that has been a limiting factor. The distinction we and others have made there is that only in circumstances where they are obliged to attend a Catholic secondary school by necessity will they be normally and automatically exempted on request of the parents from following the religious education program.

Mr. Timbrell: I take it the policy of your board is that those who elect to attend must take the full program.

Father Boehler: Yes; that is the normal policy. If in a particular situation the parents of a student were to ask that he or she be excused from the religious education program, that could be dealt with on a case-by-case basis. There would be no serious problems when there were sufficient reasons.

The experience in our system at the elementary level is and has been that we do not get requests of that nature. The very reason parents are anxious for their children to attend our schools is they want that value system; they want the children exposed to the religious education. In my own parish, the local Anglican priest, a colleague of Mr. Davis's, sent his children to our school because he wanted them to have that religious education component. That is why they went there. They do not want them exempted. In my experience, they want them to take it, in almost every case. If they want them to be exempted, that will be dealt with.

Mr. Allen: Can I have a supplementary on that?

Mr. Chairman: If Mr. Cooke is willing to allow it, yes.

Mr. D. S. Cooke: Sure.

Mr. Chairman: It is nice to see party solidarity over there.

Mr. Allen: In the middle of the questioning, I am as much concerned to see clarity from Mr. Timbrell and from Mr. Davis as I am from Rev. Boehler, because I recall the Conservative drafts of this legislation made no provision whatsoever for exemption around religious education. Also, I guess I am puzzled because I do not know what they understand to be the purposes of public funding in this case.

We are constantly being told that public funding somehow justifies totally open access without qualification. My understanding, if I may be permitted to state it, is that this bill intends to provide public education for a branch of the public education system that is separate and has a distinctive task and therefore the public moneys are intended to provide for the ground for that distinctiveness to continue and even to be extended. If that is the case, it seems to me one has to presume the means are available to that system to maintain its distinctiveness at critical points.

What I do not understand from Mr. Timbrell's questioning is what he or Mr. Davis envisages as a formula around access that on the one hand would preserve distinctiveness and the capacity to maintain distinctiveness, and on the other hand would provide for legitimate access into the system for people who need it.

Mr. Chairman: What is your supplementary?

Mr. Allen: My supplementary is basically to the two gentlemen who were asking the question, but it is important to ask this question while the board representatives are with us. I want to hear their answers to the question put in a clearer fashion.

Mr. Chairman: I will allow some three-way play here for a little bit and then we will move on.

Mr. Timbrell: I am pleased to respond, especially as I am here this time when the member has chosen to raise something related to me or my party.

As a party, we understand and support the extension of funding for a publicly funded Roman Catholic system. The questions I and Mr. Davis have raised are ones we are going to have to deal with as a result of submissions that will be made to us by a number of interested parties and individuals who have concerns and want them addressed.

As a committee, before this year is out we are going to have to debate each of these provisions

and either affirm them or modify them in some way, all of the above or none of the above, to respond to the concerns that have been raised with us. Why else would all 11 of us have blocked off three months of our time while most of our colleagues are attending to matters related to their constituencies and their families?

I feel free now and will continue to feel free for three months to ask questions of whosoever appears before this committee or whosoever I wish to speak with, Mr. Allen, about any or all of these issues because they are all issues that have been posed to me in writing or in person by people from all across the province.

Mr. Allen: The question is not whether one has the right to ask a question. The question is whether one can clarify the question so we can get more complete answers on the issue of distinctiveness and access. I admit we are on to a train we will have to develop over the next few months.

Mr. Chairman: My suggestion, Mr. Allen, would be that you should try to pose the question more clearly and therefore clarify things for Mr. Timbrell and Mr. Davis.

Mr. Timbrell: Mr. Allen is a superior questioner to me. I would be glad to listen to his questions and the answers they elicit.

Mr. Chairman: I am sure you will be happy to listen to everybody's questions and answers. Please go ahead, Mr. Allen.

Mr. Allen: My question to the board is whether it is possible in any way to further refine the language, which is permissive but not mandatory, with respect to the question of students who are attending by virtue of their interest in being there rather than in terms of their need to be in the system.

For example, I have heard it suggested that anyone who requests it should be given an exemption. That does not mean the request would be made by everyone who showed an interest in attending your school and made an application and for whom you had space. However, being non-Catholic, he might want an exemption, undoubtedly making the request out of some concern around the conscience end of the issue and because of certain elements of the religious observance side of the program.

I would like to hear your problem with that formulation of the solution which, as I say, is one I have heard. I am not sure it entirely satisfies me, but I want to hear your response to it.

Father Boehler: My first reaction is that we are happy with the legislation in its present draft form in this regard.

I like some of the things you were saying earlier. You brought out some very fine points I would agree with. There is no use having a Catholic school system unless it is Catholic. That is the reason for having a separate stream of the public system that is for Roman Catholics. That is something we have a constitutional right to enjoy. Roman Catholic ratepayers direct their taxes to separate school boards. These schools are being funded by the Roman Catholic community and its public contributions through the tax system, as we all know.

If we got to the stage where universal access were to be interpreted to mean there would be just as many non-Catholic children in a school as Roman Catholic children, it would make the delivery of the Roman Catholic distinctive program very difficult to achieve. It would be very difficult for our schools to achieve our goals and objectives.

4 p.m.

That is what we mean in this section of the brief. We have a distinctive mission; it is something we regard as a constitutional right. We came into Confederation on this basis, being guaranteed this. What we are doing now is not starting a new school system; we are adding two grades to a flourishing, growing Catholic separate school system in the province.

Mr. Chairman: This is one of the fundamental issues; others may want to raise some nuances around this.

Mr. D. S. Cooke: Continuing from that, I want to have an understanding of what this section of the bill will actually mean in practice. Obviously, since it is a permissive section, each board is going to have to develop policy around it. As a trustee or a policymaker, what do you envision happening with this policy at your board? In other words, someone is coming to your school system, he is not Catholic and he is not there for programming reasons. How flexible are you going to be, or how flexible do you envision your board being, with this section?

Father Boehler: I think the first criterion we will have to establish and look at in these situations will be the question of space. Here we are, approaching September 1985, with a rather horrendous accommodation situation. We do not have anything close to the kind of accommodation we need to establish all those who are seeking admission to our secondary schools. We have had to open one new secondary school in the Scarborough area and in the eastern part of North York in two separate, very temporary locations,

because we had 275 children in a particular area seeking Roman Catholic education at the grade 9 level and we had no place for them.

Mr. D. S. Cooke: I do not have any argument about the space problems. Those are problems that exist even in my own board with the public school system when they are setting up the boundaries.

Putting aside the space problem, if a non-Catholic comes to your school system not for programming reasons, how flexible are you going to be with allowing the student to be exempt from religious studies?

Father Boehler: We have a policy in place now—the terms are, as I have already said, space available—where the pupil is not applying to come to the separate school board because of bad feeling towards the public board or because there has been a problem there—Mr. Fauteux, help me out; what is the rest of our policy?

Mr. Fauteux: Third, the parent has to agree that the child will take part in the religious education program of the school. Those are the three major points. There is a minor one.

Father Boehler: They have to request it; it has to be requested by the parent.

Mr. Fauteux: It has to be requested in writing.

Mr. D. S. Cooke: But I am wondering about the exemption from religious studies; that is what I am asking.

Father Boehler: It is not an automatic exemption. It is the contrary. The presumption, and the policy of the board, is that in these cases of voluntary requests for admission to our school they are expected to follow the entire religious education program with the exception of the reception of the sacraments.

Mr. D. S. Cooke: I am not sure whether Mr. Mitchell will have to answer this, but on page 4 of the brief you talk about the two separate budgets and the two separate mill rates. Under the legislation, will it still be possible for a separate school ratepayer at the elementary level to decide that the secondary assessment will go to the public school board?

Mr. Mitchell: No. Under the bill, a person who is currently a supporter of the Roman Catholic separate school board automatically becomes, if it is his wish, a supporter of the Roman Catholic school board, which means both panels.

Mr. D. S. Cooke: What is the purpose then of still having two separate budgets, two separate tax rates and two separate tax bills?

Mr. Mitchell: This may be something we need to take a further look at, but I think there are at least two things involved. One is that one of the essential purposes of this section is to ensure this happens at the secondary level under the new Roman Catholic school board. Prior to this, it did not happen.

The second consideration is that there may be some boards in some parts of the province where, for particular reasons, it is necessary to have the estimates done in the two panels. It may also be, a further stretch down the road, that we could end up with some kind of school board with two or three different kinds of panels under it. For those purposes as well, program purposes if you like, it may be desirable to have it done on an individual-panel basis. However, as I say, it is something that perhaps we need to have a further look at.

Mr. Chairman: Perhaps we can refer this to the legal side, especially to others within the ministry to see if they could come back with some information on it. Do you have any response you wanted to make to that matter?

Father Boehler: I would be happy to, Mr. Chairman. We feel strongly about this. I believe education in the province is an extremely complicated enterprise, and here is a very dramatic way in which it can be simplified. It will save costs, tremendous administrative problems of preparing and keeping track of these different budgets and estimates. We have the same trustees, the same funds and the same taxpayers. It makes no sense to us to perpetuate a dual-panel system. We have always maintained that the system, upon completion, should consist of a single panel. Here we have a chance to simplify something in a very complex area; let us not lose the opportunity.

Mr. D. S. Cooke: It is certainly in line with the philosophy of the kindergarten to grade 13, soon to be kindergarten to grade 12, model that is supposed to have been followed for the last number of years. Coming from outside of Toronto and not from a jurisdiction where there are shared facilities between the two boards, could you explain to me how that works? How is the distinctiveness of Catholic education maintained in a facility where there are both systems?

Father Boehler: We have a considerable amount of experience in that, Mr. Cooke, at the elementary level primarily, because of our rapid growth. We have a large number of sharing situations in Toronto. Some years ago, a government committee was established on sharing in educational matters that came up with

some directives and recommendations, some of which were followed and some not. The basic approach that always has been recognized is that we would share—we were happy to share—when we had a viable educational entity offered to us. It has to be an entity of a sort that will permit us to operate a Roman Catholic community in a facility. We cannot take two classrooms on one floor, four on another floor and six in a different wing. There has to be a building in which there is a viable entity available for the operation of the program.

Through experience, we found there has to be a shared-accommodation factor built in, a little bit more than the basic requirements. There has to be a little bit of room for flexibility between two school boards when they are operating a shared facility. So there is experience available here. They have worked very well and we have some marvellous examples of this in Metropolitan Toronto at the elementary level. We expressed our willingness to share, to solve the problem in Scarborough that I referred to a little while ago, of our 275 pupils. We were quite willing to share a viable wing of David and Mary Thomson Collegiate Institute which was available and not needed for this coming school year. Unfortunately, that sharing offer and option was not picked up by the Scarborough Board of Education with the result that we have had to establish the dual campus for this school, as I described earlier.

Mr. D. S. Cooke: Is there an interplay between the teachers on the public board and those on the separate board, if the students are on rotation?

Father Boehler: There is some interplay. There is some joint use of certain facilities, such as gymnasiums, learning resource centres and so on. There has been some shared use of facilities. Certainly we share in transportation matters and things of that nature. The actual teaching program is pretty well kept separate. There is a principal for each school, etc.; there are distinct administrations.

Mr. D. S. Cooke: If in some areas we were to have joint facilities at the high school level, obviously there also would be much more sharing with respect to staff. Do you see that as something which is really viable given the necessity, based on the whole principle of this bill, of the unique nature of the separate school system?

4:10 p.m.

Father Boehler: As we mentioned in our last point in the brief, we are committed to the fact

that there cannot be a large expenditure of public funds to provide for the completion of the separate school system. We know that the province cannot afford to do that. We are happy to share. We are happy to lease buildings. We insist, to maintain our specific mission and identity as a Catholic school system, that whenever we are in a sharing arrangement there is a viable facility which permits us to operate, to build a Catholic school community, contiguous to a public school community but able to be identifiable, able to reach our goals and objectives in this particular situation that we have placed ourselves.

Those are the provisos that we place upon a sharing enterprise. We are happy to explore them. We are happy to work them out. We believe they can be worked out in certain situations.

Mr. Davis: Let me just follow up on that because I think Mr. Cooke is on to something that we are going to face when we go south west. Let us assume, Father Boehler, since you are a trustee and involved in the educational process in Metro, that the local high school in Kingsville is one that becomes a shared high school. The separate school offers a Latin program for grade 12 students, and among the public students who are there because of the shared facility, four, five or six would like to take that Latin program, but it is not feasible within their own structure. Can they come across to your classroom?

Father Boehler: You are talking about something beyond our area of jurisdiction, but I think something could be worked out there.

Mr. Davis: Then let us go the other way. Let us say there is a course in some kind of humanity that is being taught; or even a technical course, it does not really matter. Let us say you have an option of purchasing their shop course from the local high school or allowing your students to join in and make a viable class of, say 30, and using a public school teacher to teach that course. Is that conceivable?

Father Boehler: Yes, that is conceivable. There is no doubt about it. It is our present intention that, especially in the early years of the transition, there is going to have to be a great deal of purchase-of-service from public school boards. We are not going to be in a position to offer technical, vocational, esoteric programs in the technical fashion, and so forth, that we might at some future date. There is going to have to be a great deal of purchase-of-service in the initial years.

What you are proposing, though, might be the thin edge of the wedge. We would not want that to become the norm and the inevitable result of the transition. If we are going to operate a God-centred educational system, if we are going to operate an enterprise that is based on our goals and objectives, then, whenever possible, we are going to have to have the students educated within the Roman Catholic community that our school actually forms. If we began to say we would send off a dozen here, another dozen there, another 20 there, that could be the thin edge of the wedge, as I say, which would escalate into some sort of hotchpotch of a dual system of one large board, and so forth, which I know some people in the province would dearly love to see happen but which we are very committed to having never come about.

Mr. Davis: I was really trying to deal with a practicality. Part of the essence of this document is the protection of the public educational system. I cannot remember the exact word, but it may have been "viability." At some point we have to define what we mean by viability. That is why I think it is important that we pursue this through our discussions with the various people, because it seems to me that unless that can become an option in some jurisdictions across this province, then programs in the public educational system are going to suffer, which you yourself, Mr. Chairman, have pointed out.

I want to raise some practical questions, Father Boehler. Can you indicate to this committee the number of secondary school teachers who will transfer over to your system here in the Metro Toronto area because of the extension of funding to grade 11?

Father Boehler: We are looking at about 1,000 students.

Mr. Davis: So that of 19,000 students in secondary education across Metro, only 1,000 of them are going to be in grade 11?

Father Boehler: No, we are going to have about 6,000 in grade 11. We have about 12,000 now in our grades 9 and 10. We are going to add about 6,000 next year. Of those 6,000, a good number, about 5,000, would be the ones who would have been in private schools in grade 11 and now are going into our separate schools in grade 11. Then there is an additional 1,000, according to our best estimates, who will be coming to us, either at grade 9 or grade 11, as a result of completion. Mr. Fobert, am I correct in those figures?

Mr. Fobert: Correct.

Mr. Davis: How many teachers will be transferring across?

Father Boehler: I believe we will require in the neighbourhood of 70 teachers.

Mr. Davis: Have any of them been hired yet?

Father Boehler: We have hired 35 secondary public school teachers and you may be interested to know that 34 of those 35 are Roman Catholic and one is non-Catholic. These were all voluntary.

Mr. Davis: I want to ask you about your volunteer system. What specific board do those 35 come from?

Father Boehler: Mr. Fobert can give us the details there.

Mr. Fobert: All six boards. The members range from a low of three in one community to a high of eight from the larger board of Toronto.

Mr. Davis: So what has happened to this point, even though the public school boards, except for one, have not entered into any negotiations with the planning and implementation commission, is that the other boards have designated the number of teachers from the public school secondary panel they believe will become—I do not want to use the word “redundant”—but will be dislocated because of the transfer of students.

Father Boehler: I do not believe they have co-operated to that extent in Metropolitan Toronto. As far as I know, the only boards that have co-operated with the commission are the Etobicoke Board of Education and the Toronto board. So two boards out of six co-operated with us. I do not believe we have any designation, agreed-upon figures, from the other four boards at all.

Mr. Davis: Then how did you get the teachers?

Father Boehler: We did not advertise. These were people from the public secondary schools who applied for teaching positions with our board and we hired them.

Mr. Davis: In essence, according to Bill 30, which I know is legal and not legal, in the Metropolitan Toronto area—and I do not think I want to make an assumption that it is elsewhere in the province, so let us deal with Metro—of the 70 teachers, you have already hired 35, even though they have not been designated as being not required by the public educational system.

Father Boehler: We feel 35 should certainly help in the redundancy question.

Mr. Davis: Did the planning and implementation commission say it was all right to do it that way?

Father Boehler: I do not believe that has been sanctioned by the planning and implementation commission at this point.

Mr. Fobert: The planning and implementation commission, in its transmittal letter to the Minister of Education in early May, made two recommendations to the minister of the day: (1) that our plan be approved and (2) that our plan to seek voluntary transfers from our coterminous boards, public secondary school teachers in particular, be approved. We have not received an answer to either of those two issues.

We had a problem. We needed a total of 180 secondary school teachers to serve the needs of our Catholic secondary schools. We were told that the public secondary school board, because of its peculiar circumstances in being governed by a Metro board where it has to go through a mix-and-match process, could not identify for us, even if it was co-operating, so-called designated persons or surplus teachers.

By late May we were somewhat panicky because of the need to hire teachers, so we chose to look at those teachers who had voluntarily presented themselves to our board and expressed an interest in coming to work in the Catholic secondary schools. From that number, we hired 35. Then we said to our principals, “Go ahead and start hiring from other sources,” because we had to have our staff in place by September 3. We had no alternative.

Mr. Davis: We will get the planning and implementation commission back, will we not?
4:20 p.m.

Mr. Chairman: God knows; everybody wants to come back. What a popular place this is to be these days.

Mr. Davis: You said you hired 35 of the number who applied; so I must assume that more than 35 secondary school teachers from the public education system applied or indicated they were interested in coming to your jurisdiction.

Father Boehler: I believe we have four applications on file and we have this problem: we are waiting for the answer from the minister's office in order to get some direction. We have written and we have made phone calls. We understand there has been a great deal written during the last administration, not the present government. We understand there have been a great many things to do in a short time since the new government took office. We are still awaiting a response to and an elucidation of this situation.

Mr. Davis: When you talk about persons coming over to the Roman Catholic school board being volunteers, does that include Catholic and non-Catholic?

Father Boehler: Definitely. We want qualified and competent people. They need not necessarily be Roman Catholics. We hired 35 who applied to us and one was not a Roman Catholic.

Mr. Davis: I know your proposal only goes for one year. In this forthcoming year, 1985-86, how many buildings will the Metropolitan Separate School Board require for the extension of grade 11 and then grade 12?

Father Boehler: I believe we are looking at 11 buildings that we would need.

Mr. Fobert: I am not sure whether I understood the question. We will need about 11 secondary school facilities in the long term. For the school year 1985-86, we have 30 schools situated on 34 locations.

In some instances we have had to establish a campus or an annex of a school to accommodate the students who wish to attend. We have done that for St. Josephs College on Wellesley Street; Loretto College on Brunswick; the new school established in west Scarborough, Mary Ward Catholic Secondary School; and Michael Power/St. Joseph High School, which will have a campus at the former Alderwood Collegiate. We have four campuses. We have met our facilities problem for 1985-86 by using that method.

Father Boehler: I misunderstood the question. We are all set for this year. Over the long term of, say, 10 years down the road—

Mr. Davis: That is the question.

Father Boehler: —we are looking at perhaps 11 new facilities that we will require.

Mr. Davis: New?

Father Boehler: Additional facilities. We would not expect there would be many newly built facilities.

Mr. Davis: You expect some new buildings?

Father Boehler: I would expect the vast majority would be educational facilities of the large capital stock the former Premier referred to in his statement, that would no longer be needed by boards suffering a decline of enrolment and possibly some consolidation, as in the case of Alderwood Collegiate, which we are taking over, and in the case of Keiller Mackay, which we took over. Those facilities would be made available and transferred from one jurisdiction to the other.

Mr. Chairman: I am a little nervous about the time. We have run over and there are still three other members.

Mr. Davis: I do not want to take all the time, but I think on the shared facilities—

Mr. Chairman: Please continue.

Mr. Davis: —Father Boehler stated there was a transfer of property. In your view, how do you compensate the public education school boards when the separate school board acquires a building and it is transferred to its jurisdiction?

Father Boehler: We have to recognize that in essence there is an equity in all those facilities from Roman Catholic taxpayers, because of the way over the years moneys for education have been taken out of general legislative moneys as well as the tax base. In regard to precisely how it will be done, I understand a commission on finance was also established by the government and will address those questions. I cannot answer the question of how it will best be done.

Mr. Davis: How about the ones you have currently acquired? In the case of Don Bosco, are you leasing it or did you buy it outright?

Father Boehler: We purchased it, but that was under a different set of circumstances prior to any of this.

Mr. Davis: Is Alderwood Collegiate leased?

Father Boehler: Alderwood Collegiate is leased.

Mr. Davis: So currently all your other jurisdictions will be leased.

I have another question. Father Boehler stated they are experienced in the sharing of facilities. If I am wrong, please correct me. That is elementary only. It is in the city of Toronto primarily and there may be some more I am not aware of.

Father Boehler: North York.

Mr. Davis: A number of those, especially in the city of Toronto, were situations in which the government said to the Toronto board, "You have to share the spaces because of the area." Some of those were in that form.

Do you currently share any secondary space with an operating public educational board in Metro Toronto?

Father Boehler: We do not. However, as I indicated, we were quite prepared to do so in your own public board in Scarborough, at David and Mary Thompson Collegiate.

Mr. Davis: Have you approached any boards other than the Scarborough board?

Father Boehler: I do not believe we had any instances where there was any viable unit made

available to us or declared surplus by any board. If any school is declared surplus by a public board, as you know, it is required to offer it to us first under the present legislation, under that T2 memorandum. We would expect that this will happen with secondary facilities once the legislation is in place.

Mr. Davis: The reason I raise that is just to reaffirm for us that the process of dealing with compensation and the process of sharing are things this committee has to address as we go down the road. It is not something that will necessarily happen through the goodwill of offering boards, as I think Father Boehler can attest to in the jurisdiction of Scarborough.

Mr. Chairman: I remember it well.

Mr. Davis: I bet you do. I thank him for being very frank with that question because I think it is something we somehow have to come to grips with.

Mr. Offer: On page 2 you indicate that Catholic education, first, cannot be compromised. Then on page 5 you indicate that employment with respect to displaced teachers on account of full funding ought first to be met through voluntary transfers and only then through a designated-persons list. My question is twofold.

First, I would like to get from you a clarification as to what a voluntary transfer, in your opinion, might be. In other words, could it include a teacher not declared redundant through full funding?

Second, in your opinion, in the event you do not have a large number of voluntary teacher hirings and must hire from the designated list, would that compromise Catholic education?

4:30 p.m.

Father Boehler: I think I would like to begin by saying we believe all organizations must function within the goals and objectives of the organization. What we are looking for when we are hiring teachers is people who are committed to those goals and objectives. This is what we want. If we are going to maintain our system, we want people committed to the goals and the objectives of our system. We hope to find those from the qualification areas; that is, people who are designated.

We think volunteers are much more likely to be found who are committed to the goals and objectives of our system than one will find among designated teachers. That is the big distinction that I can bring to this; volunteers are much more likely to co-operate fully and they

will be happy about the transfer. I think it will help. As we indicated in the next page of our brief, it is going to be better for both systems.

It will help from the standpoint of an ageing staff in the public system and a very young staff in our growing system. Because of the fact that people transfer voluntarily, they are presumably going to be much more committed to doing what we want done in regard to our goals and objectives than people who are designated.

Mr. Chairman: Does that answer the second question as well?

Mr. Offer: No. I do not think it answers the question of whether, in your opinion, if there is not a high degree of voluntary transfers and you have to go to the designated list, that would be a compromise of Catholic education. Is there a specific number or percentage?

Father Boehler: No. We certainly are not going to play any numbers game or talk of any specific number. We are looking for people who are compatible with the goals and objectives of our system. Those are the ones we hope to attract to our system and we think there is a much higher probability of attracting them on a volunteer basis.

We think the legislation could be improved substantially by that change being made. That is why we have presented this rather strongly in our brief. If we have to hire from among designated teachers who are not volunteers, we will still be looking for people who are committed to the goals and objectives we espouse. They will not necessarily be Roman Catholics.

Mr. Offer: I do not know if it was ever made clear to me what a volunteer transfer is. Would that involve a teacher in the public school who has been made redundant?

Father Boehler: Mr. Fobert may be able to help me on this. As I understand it, if we require, for example, 10 teachers of English, rather than the people being designated as the youngest teachers who belong to the public system, possibly every teacher qualified in teaching English could be invited to volunteer to the particular coterminous Catholic board. Then the Catholic board could select by interviewing first the people who were compatible from that group of volunteers. I think that is how it would operate.

Maybe we could ask Mr. Fobert to elaborate on that.

Mr. Fobert: Indeed, we went a little further this year. We recognized that there would be about 1,000 pupils transferred. Then we did a

study asking, if we had a 1,000-pupil school, how many teachers of various subjects we would require in that school. For example, we believe about eight English teachers are required; so we set our goal to hire eight English teachers from the public secondary schools, and so on through the various subjects. This is how we have approached it.

Although we have not advertised, in culling through our applications from public secondary school teachers who have expressed an interest, we have maintained that kind of order within our hiring process. Although we have hired 35, there are still 35 teaching positions open, as an example. We are looking at 70.

Mr. Offer: How many applications did you have?

Mr. Fobert: About 55 came to the interviews. Some chose not to accept an offer of employment but 35 did.

Mr. Chairman: I have two supplementaries, Mr. Offer, if I can allow them in, reluctant as I am to do so. Mr. Davis and then Mr. Allen.

Mr. Davis: I want the volunteer process clarified because I think it could be important.

Under the legislation, as I understand it, a coterminous board would declare teachers who are surplus to its system because of the transfer of students to the separate school system and the coterminous separate school board would have to hire the teachers so designated, regardless of religious belief, lifestyle or whatever. That is how it is currently, as I understand the legislation. If I am correct, you are asking for an opportunity for the coterminous board to advertise through the public system, saying, "We need this number of teachers."

Let us assume for a moment you need four English teachers and nine apply to come across or want to volunteer. You would then be able to select only the four you want.

Father Boehler: I think that is the way job selection commonly works in our society. There is a certain number of openings, with a larger number of applicants. Interviews are carried out and you then find the people who are the most suited to your needs and the subject matter you want taught and so forth. That is a very common experience in our society. People are not terribly deflated because there are six applicants but only four places, so only four were accepted. By this volunteer method, we are going to have a much larger number to select from.

For instance, rather than just select from the 55 applicants who have been filed with us, if we had

been able to advertise, we might have generated 75 or 100 applicants from public secondary schools interested in joining our system this year. We would have had a much larger number from which to select in our interviews, etc., and we might have ended up with more suitable teachers, people with better qualifications for the particular subjects in which we were interested. That would have been an advantage to both systems.

The basic advantage to the public system is that X number of teaching jobs are being transferred over to the separate board, which means that same number of teachers' jobs are gone from the shrinking enrolment at the public board, either from declining enrolment or from separate school completion. Those people are not unemployed; they have found employment in their professional careers, as they want.

Mr. Allen: I am still not quite clear about the mechanism that is anticipated with regard to this proposal about voluntary transfers. Last week, when we were discussing this with the Ontario Teachers' Federation, I sensed there was no problem with the voluntary transfer idea, but there would be a problem if the voluntary transfer ended up transferring without the protections that the designated list provided.

I am really trying to find out for myself in questioning at this point whether you see this functioning outside the designated list mechanism or whether it is inside the designated list mechanism. We have those designated positions which earlier we said was—or somebody conceded it was—a preferable way of going about this, but the people could volunteer themselves into those positions, rather than being the people who are directly and immediately vacated by a loss through the transfer of students.

Father Boehler: The terminology may be a problem with this. There would no longer be a designated list. The people would be recognized as being dislocated as a consequence of completion; so they would make up part of our quota, the figure that has been agreed upon between the boards. These people who originated as volunteers, but were part of the agreed-upon quota between the boards, would be afforded exactly the same protection as people on what was called the designated list with regard to their salary protection, pensions, contracts, years of seniority, etc.

Mr. Allen: That seems to be a very rational way to proceed, and most of us agree that would be a happier result all around. I think you will see the nervousness which was being created by the

sense that perhaps there was a way of skirting the designated mechanism.

Father Boehler: We have granted to the 35 people we have hired just this summer those same protections which are contemplated in the bill even though it is premature. We have anticipated the provisions of the bill.

Mr. Allen: I understood that to be the case. When we had the planning and implementation commission before us, I thought they indicated they had been involved in working out arrangements between the separate and public boards in Toronto, such that there was not a public board objection to proceeding with hiring in the way you did, in calling for volunteers and publicizing your positions in that way.

4:40 p.m.

Mr. Reycraft: I am still a little nervous about what we are hearing with respect to voluntary transfers. I am concerned that we may be opening the door to violating the spirit of agreements that have been negotiated between boards and the teachers' federation groups as well as the spirit of Bill 30.

My concern is that if the teachers who volunteer to transfer are teachers who will become redundant because of declining enrolment without the added pressure of extension of funding, they will displace on the designated list teachers of greater seniority who will become redundant as a result, and in the course of events that will be claimed to be due to declining enrolment. In effect, they will be redundant for both reasons.

Mr. Chairman: Do you understand the point?

Father Boehler: I think I do. I will begin the answer anyway and then ask for some help from my cohorts here.

I believe the essence of the problem is the determination of the numbers that are due to declining enrolment. Those numbers are agreed upon by the coterminous boards. Here in Metropolitan Toronto, even in our situation of not having much co-operation, we have had agreement on the number of dislocated people. For example, the Toronto Board of Education responded to our plan, and we have agreement on the number that will be dislocated as a result of completion.

Once that number is determined, the solicitation of voluntary transfers is going to open up jobs. It may be different persons who eventually are hired, but the same number of jobs will be looked after and will not be lost to the teaching profession through the volunteer method.

Mr. Reycraft: That is the essence of my concern. You say they may be different teachers. The agreements the boards have with the teachers' groups is that redundancy is determined on the basis of seniority. In this case, that is not going to happen.

Mr. Fobert: I wonder whether I could help by saying that if a board recognizes a redundant teacher will be created—for example, a mathematics teacher—the redundant teacher is normally the one with the fewest years of seniority; so that one mathematics teacher is declared redundant.

If a Catholic school board elects to employ a mathematics teacher who has 20 years of service—that is the example we use in the brief—and that teacher transfers over, the one math teacher who is on the redundant list is no longer redundant; he goes back into the pool because a vacancy has been created by virtue of the employment of one of the math teachers in the Catholic board.

Mr. D. S. Cooke: What if there are two for two different reasons?

Mr. Fobert: This question relates to an earlier question: Should the positions rather than numbers be identified? There is some favour on the part of this board for that choice because, as I said earlier, if this board is obtaining 1,000 pupils that we would otherwise not have had, we can determine in co-operation with the commission and our coterminous boards what teacher qualifications one would need to teach those 1,000 pupils.

As indicated in our brief, we recognize the inherent principle in this bill is that the teachers follow the students and not vice versa. It seems to me that if we have 1,000 new students, those 1,000 new students are going to need mathematics teachers, and we are going to have to hire mathematics teachers even if there happen to be no mathematics teachers declared redundant by our coterminous boards. We cannot get along without mathematics teachers. So going through the designated-persons list creates for us more difficulty than looking at positions we might be required to fill.

Mr. Chairman: I am going to ask the lay members to mull on this for a while, if I might.

Mr. Davis: Still the teacher is dislocated, Mr. Chairman. In that respect he is dislocated owing to the fact that he is surplus because of the transfer of students. All they have done is protect the teacher who has been declared redundant because of declining enrolments. They have to write that out—

Mr. Chairman: We might very well hear from other groups in this area with respect to the labour side of the issue of protection of their workers.

Mr. Offer, you had the floor when the supplementary was raised.

Mr. Offer: I have just one further supplementary, which I would like to direct to Mr. Fobert.

You have been very specific with respect to the hiring you have already done, and I would just like it clear in my mind. You indicated that you advertised, if I am not mistaken, for approximately 55 positions; of those, 35 have been filled, of which 34, from your statement, are Roman Catholic, and you specifically indicated that one is not Roman Catholic. With respect to the other applications you have received, have Roman Catholic applications been yet refused, in your opinion?

Mr. Fobert: First of all, we did not advertise. These were teachers who came voluntarily and submitted an application either to a Catholic secondary school principal or to our teacher personnel department.

In late May we contacted all 55 and asked them to come and be interviewed for job openings we had; we asked everyone to come. About 55 teachers came. The secondary school principals did the interviewing and made job offers to approximately 40 people, 35 of whom accepted. We offered them all those conditions which had become part of the designated-persons list.

There were very few non-Roman Catholics on the list. I have to make the assumption that they did not come because they thought maybe we would not be hiring. We do not know. We never had a chance to advertise.

Mr. Allen: Just so I am perfectly clear with regard to the question of protections, did I hear you say that all those persons who were hired under this process you have just referred to would be provided with the guarantees under the legislation when the legislation is in place in regard to seniority transfer, benefits and so on?

With regard to the question of what I might call the critical mass, if you have a sense of that, I understand about two per cent of your teachers now are non-Roman Catholics.

Father Boehler: Something in that area, I believe.

Mr. Allen: I know there are some separate systems in the country, such as the Alberta system, where there are as many as 17 per cent non-Roman Catholic instructors in a Catholic system. Do you have a sense of critical mass of

the numbers you can handle which would not jeopardize the distinctiveness of your system?

Father Boehler: No, I do not. We want people who are committed to our goals and objectives, and as long as we have that kind of teacher in our classrooms, whether or not they are Roman Catholic, we are happy with them. Inevitably and historically and because of our previous history, the vast majority will continue to be Roman Catholic teachers. It is natural, given the history of the situation.

4:50 p.m.

Mr. Allen: Could I ask a question of Mr. Kelly? If I am not mistaken, I believe he may have been the source of a legal opinion I had offered to me at one point, namely, to the effect that if a Catholic board hires non-Catholic personnel, whether teachers or otherwise, it is not legally possible for that board to lay on either the Catholic credo or Catholic lifestyle requirements in the course of employment, and precedents in courts of law make that an impossibility. Is that the case?

Mr. Kelly: I do not recall ever having given such an opinion.

Mr. Allen: You have a chance to clear your name.

Mr. Kelly: In fact, had I been asked to give such an opinion, I would have come to precisely the contrary conclusion.

Mr. Allen: I see.

Mr. Kelly: In December 1984, the Supreme Court of Canada effectively put that to rest in exactly the opposite way that you put it by ruling it would be perfectly within the rights not only of a public board but also of a private authority to decline to offer employment or to continue employment in the kinds of circumstances you have described, with the proviso that it is somebody who is prepared to and who is nominally committed to Catholicism but who in practice is denying that affirmation.

Mr. Allen: Let us say the person is not nominally committed, has been hired as a complete non-Catholic who does not make any profession at all to have any attachment, but none the less has been hired by the board. We also had an opinion of this nature last week which suggested there had recently been a decision in Regina under the charter—

Mr. Chairman: That was nonteaching staff. The Regina court case involved a secretary.

Mr. Allen: —in which it had been quite clear that it was not within the legal powers of the

board to dismiss the person for noncompliance on creedal or lifestyle grounds.

Mr. Kelly: I have not seen that particular case, but in the circumstances you describe—and I obviously misunderstood your earlier question—it may well be beyond the power of the Roman Catholic separate school board to impose on non-Catholic employees those articles that for a Catholic would be crucial.

Having said that, that is only a portion of the answer. Any employee who attempts to erode the goals and objectives of the employer does so at his or her peril. It has nothing to do with schools, government or anything. It has to do with the very nature of whether the employee can still serve the employer, not being prepared to subscribe to the minimum requirements of the objectives of the employer in the particular circumstances.

Part of the proof of that is that although there are, to the best of my knowledge, no cases or few cases involving teachers' grievances where creed is an issue, where clearly creed is not an issue, the vast majority of teacher grievances come in those circumstances where creed has never been raised.

Mr. Allen: If I hear you correctly, you are speaking of a teacher who actively sets himself over against the purposes of the hiring body in question and who actively seeks in some fashion to subvert that, as distinct from someone who simply happens not to agree but quietly is doing his job in the classroom as anticipated he would, professionally.

Mr. Kelly: That is correct. Clearly, as far as any separate school board is concerned, and this board in particular, as long as that private credo does not influence what happens in the classroom, there will be no problems at any time. However, the moment that affects the teaching process and where a teacher is teaching those things that are expressly contrary to Catholic doctrine, there would be a problem.

Mr. Allen: The other question I have—

Mr. Chairman: Do you have many more? I am conscious of the fact that we are now an hour and a half into this and half an hour over. Our next presenter, who was supposed to come on at four, will be coming on at five. I do not want to stop this discussion, but I wonder if we could be conscious of the time.

Mr. Allen: I have one brief question to Father Boehler with respect to the arrangements for this fall. Is your board satisfied that extension of funding under the regulations will be satisfactory

for your purposes in moving into grade 11 in September, and do you have any anticipation that any requests for injunction, for example, would imperil that move?

Father Boehler: We are prepared to move into grade 11 in September. We have budgeted some \$9 million at our board for this purpose. We have difficulties of accommodation, as we have outlined previously, but we have places for our students. They have made their selection, and they have made their commitment to their schools. We are looking forward to it.

Any kind of injunction that were to interrupt the process now would cause us and those students and their families the most serious inconvenience and difficulty, and all hell would break loose.

Mr. Timbrell: Is that an ecclesiastical term?

Father Boehler: Indeed. It is a dogma of our faith that it exists.

Mr. Chairman: Presuming that we will finish our hearings before that eventuality, which I sometimes wonder about, I would like to thank you for coming before us with other members of the board. If it is possible for us to accommodate you later in a presentation, we will try; but it may be we will have to take your submission in writing to deal with the bill clause by clause before the House comes back, given the way our schedule is beginning to look.

Father Boehler: We appreciate your courtesy very much and are very grateful.

Mr. Chairman: Our next presenter is Mr. Bruce Simpson. While the shuffle is taking place, I would like to ask at least the steering committee members if they can possibly stick around for a minute or two after this to deal with a couple of items. It should not take us more than four or five minutes.

This is exhibit 10, which you already have and which I presume you have had a chance to read, as I have.

BRUCE SIMPSON

Mr. Simpson: Ladies and gentlemen of the committee, I come to you today to state my total opposition to Bill 30. I am not thankful in the least for being here now, considering that legislation has already been passed. Nevertheless, I feel this issue is so important to the education of all young Ontarians that it must be reversed.

Although I am an educator in the public secondary system, I speak to you now as a citizen of Ontario, representing only myself. Let me

make it clear that I do not represent any teacher group. In fact, although there will be great problems in the promotion and status of teachers in a system that will be only partially controlled publicly, I will leave out any arguments involving teachers specifically in my discussion.

For the sake of the future of education in Ontario, I now demand that my arguments be heard.

My first argument is simple. It is too costly for the Ontario taxpayer to support two distinct public—I use that word loosely—systems, one of which will still be controlled, with some public constraint, not by the public but predominantly by a private segment of our society.

Would you ask the taxpayer to pay for two fire-department systems, two road systems or two library systems? Perhaps you would like the taxpayer to pay for two police departments, one for upper-class citizens and one for lower-class citizens. Orland French of the *Globe and Mail* has pointed out that three secondary schools might have to be established in Blind River, where basic population requirements barely provide for one. Therefore, there will definitely be increased costs resulting from duplication of services and facilities.

5 p.m.

I may add here that Mr. Conway has said, "Full funding should not be taken as a pretext for a lot of new buildings." Yes, Mr. Conway, we will not have to build entire, new buildings, but additions and renovations are already estimated at \$66 million. Once these facilities are built, the costs of maintenance, repair and heat, and the property taxes for these schools, still have to be paid by the Ontario taxpayers.

My member of the provincial parliament has assured me that extra funding for separate schools will not happen at the expense of money allotted for public high schools. If this is true, additional taxpayer money will have to be paid out to bolster the public system. Let me explain this point.

Many parents who in the past could not afford to send their children to separate schools from grades 11 to 13, usually opted out of sending their children to separate high schools and elected to send them to public high schools at grade-9 level in order that the children would not encounter problems in adapting to two different high school systems. Now, parents who want their child to stay in separate high school, can keep their child in the high school all the way up to grade 13. Therefore, I think many more students than expected will transfer out of the

public secondary system into the separate system, maybe not this year, but in years to come.

We know the amount of funding that a school gets is determined by the number of students. For example, for every 200 students or so, we need X number of teachers and Y number of administrative staff. Therefore, now that students are going to leave the public system, representatives from all parties have quickly pointed out to me that we will not need to fund public high schools as much to get the same quality of education as before, and that the rest of the money can be used to pay teachers, administrative staff, etc., in the expanding system.

What is wrong with that argument? It is not complete. These party members neglected to mention that in addition to the variable costs I have mentioned there are the fixed costs of heat, maintenance, repair of buildings, teaching aids, laboratory equipment, etc. These will have to be paid by the taxpayers of Ontario, regardless of student transfer.

In many cases, the taxpayers will be paying to build additions for separate schools, yet empty classrooms in the public high schools still will have to be heated and maintained at public expense. If we stick to the idea of maintaining the quality of education in the public system, with a wide selection of options for each student, a drop of two or three students per class in the public system may not warrant a proportional cut in public high school teachers. Ontarians may need more teachers than before, just to make sure quality of education in both systems will not suffer as a result of Bill 30.

Aside from the question of whether government should be subsidizing more religious instruction in Ontario, there also are the additional and tremendous costs to taxpayers who now will have to pay for more religious classes, school functions and activities around a religious theme.

The story on costs does not end yet. There are two more cost problems generated by funding that have the potential of being thorns in the side of every Ontario taxpayer.

First, if too many students leave our public high schools in many vulnerable areas, entire public schools may be shut down or taken over by separate high schools. It may even be conceivable that a former public high school would be divided in half: one separate school and one public high school complete with their own administrative staffs. Taxpayers would have to pay to bus students to the nearest public high school, which could be some distance. Not only

would this be costly, but I am sure those nonseparate public high school students would feel like second-class citizens in their own area.

Second, increased funding to separate schools may encourage other denominational schools to exert political pressure to get full or partial funding also. Bill 30 has opened the door for a multitude of many little public education systems. There could be an avalanche of increased costs due to more duplication of facilities and more government-subsidized religious classes. Bill 30 has the potential to make Ontario's education taxes skyrocket. By trying to please one denomination, by giving those people the choice of a complete, government-subsidized religious education, there will be no defence, in the years to come, against giving everybody that choice as the number of religious groups in Ontario increases.

Can taxpayers afford to give everyone the right of choice to subsidized religious education? Can taxpayers afford to give everyone the right of choice to a school system based on culture or race?

The government should get out of the business of subsidizing religious education in the guise of trying to please one denominational group. The net result of Bill 30 to the future of education will be a segregating, totally impractical, extremely expensive system for educating our young people.

I believe the Ontario government should be faceless and neutral when it comes to religious education. Any other attitude will mean one denomination will be seen to be favoured over another, which is happening here, and deep resentments could be planted in the hearts of many Ontarians. Therefore, I believe Bill 30 means more subsidies, more taxpayer headaches and more big government.

The total estimated cost of complete separate school funding has now grown to \$360 million and the cost will not end there in years to come. It seems absurd to me that in these tough economic times, when the Premier (Mr. Peterson) himself has said Ontario's finances are in worse shape than he was led to believe by the Conservatives, the overburdened taxpayer should now pay for two completely funded educational systems. That ends argument one against funding.

Here is argument two: Ontario is alive and strong due to the wonderful mix of people, cultures and religions. As less developed areas of the world expand exponentially in population, immigration will keep the population of Ontario's multid denominational groups in a state of

dynamic change. Albeit the proportion of Catholics in Ontario has risen slightly to about one third of the population, we have no reason to suggest this slight growth will be linear in the future. In fact, the multid denominational heritage of Ontario suggests that, despite up-and-down variations in the size of religious populations in Ontario, the long-range outlook indicates there will be more variety of multid denominational groups in the future, rather than one group dominating or increasing steadily in population.

This point illustrates why an increase in Catholic population by proportion does not necessarily justify two completely funded systems. Along these lines of argument, there is another, far more critical contention against complete funding. It definitely encourages and opens the door for the segregation of Ontario's population into religious groups. For the first time in many years, an Ontario government will encourage young people to spend their entire education and developing years from grade 1 to 13 not mixing with other groups of different denominational backgrounds.

Up to the present, because funding was not complete at the high school level, students were financially encouraged to complete high school in the public high school system. I feel that has been a blessing for young Ontarians up to now. Complete funding will mean that for the first 18 critical years many Ontario students will develop opinions, perspectives and attitudes towards society as a whole based on very minimal contact with different denominational groups. When you implement complete funding, you must realize it has a segregating action on society rather than a unifying one.

On one talk show I listened to on a North York community channel, there was a unanimous majority of callers opposed to funding. One caller thought complete funding would definitely put a wedge into the community. I guess you can argue that it will be impossible for a northern Ireland to occur here. Maybe so. I am happy to live in a wonderful country that allows freedom to worship, within reasonable constraints, whatever religion an individual desires. However, Ontario will have grave problems if young people of one denominational group are not given the chance to live and work side by side with young people of other denominational groups. Young people must also see that their view on how they live is not necessarily the only view of the world. Young people will be working in an Ontario industry that will be made up of many denominations. Who among you would

disagree with the principle that we must encourage, rather than discourage the spirit of co-operation and tolerant attitudes among our young people?

5:10 p.m.

What do you think the best way of accomplishing that goal is? You cannot teach it in a classroom. Parents cannot teach it at home. The student must at some time in his developing years work or play co-operatively with others of different creeds. I feel the best way to do this is to encourage our students into the public high school system so students of many denominations and cultural groups can do projects together, become friends, join school clubs and activities, help each other with school work and other problems. By capping funding up to grade 13, you have taken away the best opportunity of many youngsters to foster co-operative bonds to other denominations that will be needed in a strong, co-operative Ontario.

What are your arguments in favour of funding that might make my contentions of no consequence? Certainly it cannot be to give young Ontarians the choice of subsidized religious education, because you have clearly stated that you do not approve of extending that choice to other religious denominations.

The very first rationale I was given before the election from all three parties was that full funding was promised to the separate school board 100 years ago. I think it might even be 120 years ago. In a progressive, well-educated country like Canada, I felt mystified how this argument for full funding could be stated with a straight face. I can see how such logic might apply 100 years ago, but the nature of the country has drastically changed since then. We are looking at a mid-Victorian civilization where women had no right to vote and the slaves in the United States had just been emancipated. Surely this committee does not see that society as an enlightened one.

I cannot accept the historical argument that since something has existed for many years, we must work to keep it existing or even growing, despite any glaring negative consequences. After all, the same type of argument could have been used to maintain slavery as an institution in the United States, yet it does not make it right.

Today, immigration has changed the demography of Ontario into a mosaic of many peoples with a variety of beliefs. There have been rises and drops in the Catholic population by proportion, just as there is a slight rise today, but clearly

the proportion of people with different religious backgrounds is also increasing.

For the same reasons of cost and segregation I discussed earlier, I feel it was a mistake to extend funding back in 1960 to separate schools for grades 9 and 10. But the situation and issues now are more critical than in 1960. Bill 30 has made Ontario history by creating an unprecedented complete funding of two systems of secondary education. Due to this, Bill 30 will have far more dramatic consequences than the previous extension. The Ontario government has now encouraged two competing public systems which will segregate, not unite, young Ontarians.

I realize the Ontario government has asked the court to rule on the constitutional validity of complete funding to separate schools. Whether the courts determine if Bill 30's creation of two completely funded systems is legal, or whether even the extension to grades 9 and 10 in 1960 was legal, is irrelevant to the question of whether complete funding is the right decision to make.

Do you think that recognizing complete funding as legal justifies initiating complete separate school funding? I hope the answer is no. Just because something is legal does not make it right. To make a proper decision on the future of education in Ontario, I would like to think that all segments of Ontario's population should have reasonable opportunity to partake in arguments for or against funding. I would like to think rationales such as this one presented here would have consideration before, not after, the initiation of a decision.

This has not happened either before or after the election. Last year, despite the fact that there were many arguments against funding, I was totally upset that I had no opportunity to have some input before Mr. Davis's decision. In my perception, I can state quite clearly that the present Liberal-New Democratic Party coalition has handled this issue with equal unfairness to the many concerned Ontarians who oppose full funding. If the new government wanted to be fair, you would have had these public hearings before, not after, Bill 30. If you wanted to be fair, the implications and impact on students and taxpayers should have been carefully studied with no rush.

Many groups have spoken out against full funding, both before and after the election. These groups include newspaper journalists, spokespeople from various churches and denominations, parent groups and public high school boards. Every week in the past five or six

months, separate school funding has been smacked all over the papers.

One journalist called Bill 30 "indefensible under the conditions of today in which we steadily progress towards an egalitarian society." He also states that Bill 30 "appears to be giving special privileges to a school system run by Roman Catholics."

In the light of much opposition, does the present government of Ontario not feel this issue sensitive enough or important enough to allow at least a year for public hearings and feasibility studies to determine the direction of education before, rather than after, legislation and implementation?

I believe the answer to this question should be an unequivocal yes, it is important enough; but that is not the response from Mr. Peterson's government. Why is this? Mr. Conway has stated he must protect the small fraction of separate school students who are already promised that their tuition is now going to be paid for in grade 11.

On one talk show I viewed on television, the main reason Mr. Conway thought there should be no delay in starting funding, despite all the contentions against it, was that these students would experience "suffering" as a result. Would it be so terrible for these students to go to a public high school, as do most other students, for a year until this issue was resolved? Are the public high schools so lacking in quality that you dare not let the students suffer one more year?

From my experience, I know I am very proud of the students and staff at our collegiate. I do not see the fairness in any argument that says, "This has already been promised, so, regardless of any reasons to the contrary, we must start this thing and implement it." To "protect" a small fraction of students now, Mr. Conway has initiated something that is highly unlikely to be reversed.

I can only match this logic with these comments to Mr. Conway, who I see is not here:

If you are "protecting"—I use the word loosely—these students, you are doing so at the expense of Ontario taxpayers who now have to pay for the duplication of two complete systems and the cost of religious instruction for only one chosen denomination.

If you are protecting students, you must know you are doing so while encouraging segregation of young Ontarians according to religious affiliation through their entire developing years.

If you are protecting students, Mr. Conway, then you are doing so knowing that legislation was passed when many Ontarians wanted a

reasonable opportunity to explain their views before legislation and are suffering as a result.

Finally, I was astounded at the phenomenal 117-to-1 vote in favour of complete funding. With the polls indicating a majority against funding, I cannot believe it was passed so unanimously and with so little debate. One poll suggests the two main factors that led to the downfall of the Conservative dynasty in the last election were the leadership of Frank Miller and the separate school funding issue. It should be noted here that leadership is a vague term in itself and has a lot to do with how Mr. Miller handles the policies he inherited from Mr. Davis.

I have heard so many denials by politicians that full separate school funding was an issue that many times I have felt nauseated. I find it a sad commentary of the party system and the new coalition government that what the people of Ontario feel and want does not correlate with voting in the Legislature.

Another argument all party spokespersons have put forward is that separate school funding must be complete in order to be fair and equitable to the Roman Catholics. Nothing can be further from the truth. It is definitely not fair to other denominations who have no special choice of subsidized religious education. Is it fair to Roman Catholic students? You may say it is, yet in some cases Catholic students who wish a less segregated and restricted view of the world and want to attend public high schools may find in some circumstances that they must complete their education in a separate board.

Once separate schools are fully funded, government constraints will not allow the separate school board to be as selective as before in choosing students. Let me explain this point.

5:20 p.m.

Before, if students were particularly disruptive and had serious behavioural problems, the separate schools could quite easily remove them from the system. These students with special problems would then come to the public high schools where there is a mandate to deal with the problem. Because of this, I think many people view separate schools to be better disciplined, whereas discipline problems are more apt to be removed than dealt with.

Nevertheless, there has been a trend in recent years for more parents to see the separate system as a panacea of discipline and they will welcome full funding as a result. But there is always the catch, and hence another of the numerous arguments against funding. The minute full funding is implemented, the special nature of

special schools deteriorates and you defeat the perceived public result you want to achieve, i.e., a more selective, distinctive separate system.

I think the public system will be pillaged as a result of Bill 30; that is my feeling. Even if public high schools are not hurt, as the government promises, then it is clear separate schools will be diluted in quality as a result.

My MPP has told me that extending full funding is a step in making it one system in a decade or so. He suggested this may be a hidden, underlying argument behind the mystery of full funding. For a minute I thought he had come around to my way of thinking; then I thought, how can one plus one equal one?

I find it bewildering now to fully support a system which will still be controlled by only one of the many religions in Ontario. I do not see Bill 30 as being unifying, as does my MPP, simply because it opens rather than closes the door on funding many education systems where everybody has the right of choice to fully subsidized religious instruction. I see Bill 30 as a segregating, not a unifying action for education.

The extension of funding is already proving to have potential as a great generator of red tape, special laws that have to be made and enforced and court battles questioning whether it is discriminatory or not. I say, let us put a stop to Bill 30.

Because the committee members here represent the members of the Legislature who have brought down Bill 30 to the people, I would like to conclude by asking them these questions:

1. Does the present committee not see the separate funding issue to be an important one in the eyes of the public?

2. Does the committee not recognize that full separate funding will encourage waste of taxpayers' money for two completely funded systems?

3. Does the committee not recognize that full separate funding encourages segregation, since most Catholics will live out their entire developing years with minimal contact with other denominations?

4. Does the committee not recognize by fully funding only one religious education system that only a weak historical argument, out of context, prevents other denominations from having the choice of fully subsidized religious instruction?

5. Does the committee want every taxpayer to have the choice of fully subsidized religious instruction? I would like to know your views on that.

6. Does the committee not recognize that freedom of choice of religious instruction for all

taxpayers is terribly costly and will be an impractical way of educating our young people, considering the taxpayers?

7. How does the committee view the public perception of whether or not religious instruction should be subsidized or not?

8. Finally, and I think this is a very important question here, in the light of these hearings occurring not before, but after legislation, does the committee feel public hearings such as this to be a fair and just way of passing other important bills in the future?

To close, let me explain with all my heart that Bill 30 must be repealed. If you cannot do this, let all Ontarians speak out for a referendum in this matter. If you are opposed, I hope we can get together to save the future of education from a very costly, segregating and unfair piece of legislation.

I rest my case.

Mr. Chairman: Thank you, Mr. Simpson. Are there questions from members or answers from members, whichever you would like to deal with?

Mr. Allen: I would like to compliment Mr. Simpson for having given this question a great deal of thought and having taken the trouble to prepare a fairly long and extensive brief for the committee to examine and to present his arguments with respect to the case that there should not be a separate school system in Ontario and that there is something invidious about its existence, notwithstanding the fact that ever since 1841 the public of Ontario has appeared to have been saying to Catholics of the province that it is quite legitimate to have a publicly funded Roman Catholic system.

When one talks about majorities feeling this way or that, I think one has to take a long look at the history of the province and see what the public has been saying, what is enshrined in legislation and precedent, what is confirmed by the Constitution and so on. Surely over the long haul, Ontario has said to its Catholic population that it is quite legitimate to expect there to be a separate system in existence and that the public will provide for the education of children who come to that system in such great numbers.

I find it strange, if I may say so, that you refer to the Catholic public as somehow a private segment of society. Our public is made up of many publics, and I feel that it is important for us to respond to all of them. Those who have not wanted a Catholic system have not been constrained to go to it. They have chosen, quite deliberately, an alternative education route. By

far the vast majority of people in our society in Ontario have chosen to use that system and I think they will continue to do so. I think most of them bear very little ill will towards the existence of a separate system, given the fact that there is no compulsion for them to attend it.

The Catholic system as a publicly funded system has grown steadily. You say it moved into grades 9 and 10 in 1960. In point of fact, it was in 1899 that this was given legitimation in a piece of legislation in Ontario, and that was extended and confirmed in 1908. The funding of grades 9 and 10 has been amplified in more recent years to give it even more legitimacy.

When one talks about the economic effects of extending funding, I think one does have to realize that there are overburdened taxpayers. The overburdened taxpayers in the Catholic community have been doubly taxed for their education in the secondary panel for many years. I suggest that freeing up some of their pocket money will have some beneficial effect on their expenditures.

I do not think we are necessarily incurring totally additional costs to the overall economy. After all, the whole economy is spending a certain amount to educate X number of students and the total number of students is not going to change. I think the dramatic economic effects you speak of are not going to be there.

The question is not a matter of pleasing one denomination. It is a matter of the public of Ontario having made a certain decision and having decided to live by it over the years as a matter of fairness and justice. The parents of more than 400,000 students in the province think it is a blessing to their children to go to that system. I think there should at least be some recognition of the fact that they make that decision and that in a pluralistic society they be responded to in some significant way by our public.

I think we do have some fairly substantial arguments that we have tried to maintain as justification. When the Premier makes an announcement of policy of this kind, it does not come totally out of the blue. There have not just been years, but decades, and even generations, of discussion of the question. To think that somehow discussion and representation has not been made on the issue prior to June 12, 1984, is perhaps a rather unrealistic way of treating the whole history of this question.

We all know that in our own constituencies we had endless discussions of this question and that none of us tried to avoid it. We were elected in

light of the fact that we took certain positions in all-candidates' meetings, and 117 members to one in the Legislature decided to support it.

I find some difficulty with the arguments that suggest there is something invidious about the 117 members somehow or other not facing up to public opinion. In the course of all that, I think I have answered most of the questions.

5:30 p.m.

Mr. Chairman: You are almost at number eight.

Mr. Simpson: Could I say something to that?

Mr. Allen: I rest my case.

Mr. Simpson: I apologize for the error as far as the extension to grades 9 and 10 is concerned. I do not know whether that was legislation which solidified the whole situation in 1960.

Mr. Allen: There were many steps along the way.

Mr. Simpson: Nevertheless, my viewpoint still differs from yours. I do not think Ontarians in the 1980s, with the pluralistic society we now have, want extended funding. That was clear in the polls before the election. A majority of Ontarians, according to the polls, did not want extension of funding.

Mr. Allen: I am sorry, but the Ontario Secondary School Teachers' Federation poll, that was taken about a month prior to the election, indicated quite clearly a very substantial majority of the populace supported this and thought it was fair.

Mr. Simpson: May I qualify that? The majority of Ontarians—

Mr. Chairman: I would like to maintain order, if I might, and allow the witness to make his responses without being interrupted. You can correct him after if you choose to. Please continue.

Mr. Simpson: A substantial number wanted extended funding, but not the majority from that poll. I think it was over 50 per cent. I disagree with you and maybe I can get documentation on that. I still differ from you as far as that is concerned. I think that will come to light with these public hearings as well. You will find a lot of Ontarians oppose the extension of full funding. That remains to be seen. I would like to put it to a referendum. That is how confident I am.

I do not feel, as I said before, as you do, that historical arguments should be used to justify the maintenance and growth of an institution. We have to look at some logical arguments. They

have to be looked at as well. If you are treating one denomination with kid gloves and giving it the choice of fully subsidized religious education, is it not fair to offer that choice to other groups? I do not think it is an easy question to answer and I feel that a lot more debate should have been generated.

A hearing like this is good before legislation. Just in listening to the separate school board before, there are a lot of problems involved here that have to be cleared up. These things should be cleared up before rather than after.

You also differ on the question of cost. I already mentioned to you there is going to be an additional cost because of duplication of facilities. I do not think it is a question of X number of students and Y number of teachers for those X number of students and we can just shift them around without any problem. There is \$66 million worth of renovations and additions that are going to have to be built here. I think you will agree with me that the cost is going to be substantial.

I disagree with you on the cost basis, especially now when the taxpayers of Ontario have to pay more federal tax. When you come to fill out your tax form in April, you are going to have an astounding amount of federal tax and then a whopper of education tax as well, if you want to continue to bolster the public education system in addition. I disagree with you totally on saying cost is not a factor.

Mr. Allen: I said the economic impact was not significant.

Mr. Simpson: I think there will be a tremendous cost to Ontarians.

Mr. Timbrell: I was impressed by your brief. I do not agree with it, but I was impressed. What subject do you teach?

Mr. Simpson: I teach math and physics.

Mr. Allen: Not history.

Mr. Simpson: No, not history.

Mr. Timbrell: More is the pity. I will not presume to give you a lecture on why you should be supporting funding. I respect your opinion, although I challenge some of the premises for your conclusion. I want to be clear on what you are recommending. If you were drafting the bill, do I take it you would not fund any of the separate school system, or are you suggesting your preference would be that the court find the bill unconstitutional with respect to the whole of the secondary school panel and that we have only one publicly funded secondary school system and leave the elementary system in place?

Mr. Simpson: That is another question. I have not given as much thought to maintaining it. However, I definitely do not think that is the right direction to go in education now, especially when we have a lot of different denominations. Do you not think they might feel slighted? I feel it is not a fair way to deal with things. It might have been fine back in 1899 or whenever, but it is not fine now. We are dealing with the 1980s and with various denominations in Ontario. I would like to think we would be getting away from favouring one group.

I think we should put it to the public. You should ask your constituents how they feel about it.

Mr. Timbrell: Mr. Simpson, let me say that in my constituency, as in all the constituencies, this subject was discussed at great length. I have no doubt that the fact that about 20 per cent of my identified supporters stayed home on election day had something to do with the issue. None the less, it was discussed as much as, or more than, any other issue in the recent campaign. That was a referendum of sorts.

I do not think you have answered my question. Are you saying there should not be any funding for separate schools and they should be totally funded by fees and donations, or are you saying the elementary school panel, from kindergarten to grade 8, should be left intact and funded from the public purse and local rates and the secondary panel funded entirely from fees?

Mr. Simpson: My argument is based on Bill 30, which is the extension of full funding.

Mr. Timbrell: You would leave it as is.

Mr. Simpson: I would leave it as it is myself, but it would be up to the Ontario public to determine the direction of education.

After all these public hearings are finished, I hope you will see there is a lot of opposition. I know it is a hard thing for a politician, whether he is a Liberal, a New Democrat or a Progressive Conservative, to vote down something such as this, but you are opening the door by bringing in Bill 30, especially with the present situation in 1980. This province is not Protestant-Catholic as in 1899. We have a lot of other denominations. There is a silent majority out there that is not speaking. Sure, there are no riots in the streets. Thank God for a great Ontario that way.

I am against the extension for the reasons I have given.

Mr. Timbrell: One of the premises of your argument is on the question of tolerance and segregation. I grew up in eastern Ontario at a

time when the divisions between the orange and the green were very real. You grew up in the middle east and I grew up in the far east.

Mr. Chairman: There is a nod of recognition.
5:40 p.m.

Mr. Timbrell: I am pleased to say I cannot accept one of your basic arguments. In the last 30 years, notwithstanding the extension of 1960 and the provision of equality for the elementary system and 90 per cent of the rates for grades 9 and 10, this society in this province, to our very great credit, has become one of the most tolerant and open in the world. I do not have the same fears you have.

I respect your opinion, as I said, but I do not have the fear this is somehow going to divide Ontario society. I do not say it is going to unite Ontario society either. It is going to depend on many other factors, most of them unrelated to this issue. But I am proud of what we have accomplished in a generation in this province when I see what is still happening in other parts of the world.

Mr. Chairman: Mr. Simpson, would you like to comment?

Mr. Simpson: I am proud also. I am not suggesting there are going to be riots in the streets, etc., but I just do not think it is the right direction to be taking, especially in the 1980s. What you are doing is separating groups according to religion. You are opening the door for that sort of thing to happen. Other denominations out there want government-subsidized, religious education. I have talked to some teachers in other schools—not separate schools but other private schools—and they want funds as well.

Your position is not to extend funding, but you have to live with the fact that you are extending funding at a time when you have all these groups cropping up and all these different denominations, and you have to deal with that.

Mr. Timbrell: May I just offer one bit of an impression?

Mr. Simpson: Yes.

Mr. Timbrell: We do have to deal with that issue later this year, but even there we will be talking about extension of funding because, with the exemption from municipal rates and the provision of income tax receipts for part of the programs of those schools, we are paying for some of those programs now.

Mr. Chairman: It does not take away your argument about the directions that are being evolved.

Mr. Simpson: Yes. All right. Thank you.

Mr. Chairman: I think Mr. Smith has a question for you.

Mr. D. W. Smith: Mine will not be very long. I do give you full marks for presenting this, whether we agree with you or not. I considered that part of segregation. I hope it does not lead to that.

You made reference to the riding now and again. I just want to know which riding you are from.

Mr. Simpson: I am from the riding of Scarborough East, I think it is. Dave Warner is my member.

May I qualify it? I have talked on the telephone to representatives from all three parties many times about this issue. These arguments have already been presented to me.

Mr. Epp: All three parties are absolutely united in extending full funding to separate schools. Is that correct?

Mr. Simpson: What was that?

Mr. Epp: All three parties are absolutely united in respect of full funding.

Mr. Simpson: That is right, despite what I feel the majority of the—

Interjection: That is the worst knee-jerk reaction that Ontario ever had.

Mr. Chairman: I am sure you will get your opportunity to come before the committee if you would like, sir.

Mr. Cooke had a question for you, Mr. Simpson.

Mr. D. S. Cooke: I think there are a lot of people who feel the same way, as is made in your point number 8, which is an inaccurate point. You seem to indicate in point number 8, on the last page, that we are dealing with this legislation in an entirely different way to most pieces of legislation.

The process, as I hope you understand it, is introduction of the bill, first reading. Debate of the bill in principle is second reading, and then it goes out to committee for public hearings. There is no way of getting a bill out to public hearings unless it is first passed in principle in the Legislature.

Mr. Simpson: May I say that with this issue being so important, and I feel it is that important, those public hearings should have taken precedence in this special case so all Ontarians could be heard—just to retort to that.

Mr. Chairman: We are going to do our best to hear as many of them as we can, and I am glad

that we could hear you, Mr. Simpson. Thank you for coming here today.

Mr. Simpson: Thank you very much.

Mr. Chairman: I would like those members who can, to remain, to talk about some travel problems we have, at least the steering commit-

tee, but also any other members who are interested because of some ramifications over changing our agenda. I will now adjourn the meeting for today. See you all tomorrow morning at 10 o'clock for a very long day.

The committee adjourned at 5:43 p.m.

CONTENTS

Monday, July 22, 1985

| | |
|--|--------------|
| Education Amendment Act, Bill 30, Mr. Conway, adjourned | S-163 |
| Adjournment | S-200 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Conway, Hon. S. G., Minister of Education (Renfrew North L)
 Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
 Davis, W. C. (Scarborough Centre PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Offer, S. (Mississauga North L)
 Reycraft, D. R. (Middlesex L)
 Smith, D. W. (Lambton L)
 Timbrell, D. R. (Don Mills PC)

From the Ministry of Education:

Mitchell, W. T., Director, Legislation Branch

From the Ontario English Catholic Teachers' Association:

Cavalluzzo, P., Legal Counsel
 Fauteux, J., President

From the Metropolitan Separate School Board:

Boehler, Father E., Chairman
 Robert, R., Assistant Director for Secondary Schools
 Kelly, H., Solicitor to the Board
 Simpson, B., Private Citizen



No. S-8

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Tuesday, July 23, 1985
Morning Sitting

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, July 23, 1985

The committee met at 10:03 a.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: This morning the committee starts its fullest day of hearings. We start off with the Ontario Separate School Trustees' Association.

I have an announcement to make to all members and to the audience in case some of you were not here when the decision was made after hours last night. We have broken new ground here and have decided to ban smoking in the room today. We will see how members and deputations survive. I would ask those people who do wish to smoke to please go out into the hallway. We will see whether we can maintain this for the rest of the hearings.

I would like to welcome the Ontario Separate School Trustees' Association. I would ask Mr. Nyitrai to introduce the others. Correct my pronunciation if necessary and start your brief.

ONTARIO SEPARATE SCHOOL TRUSTEES' ASSOCIATION

Mr. Nyitrai: Thank you very much and good morning, Mr. Chairman and members of the standing committee on social development. My name is Ernie Nyitrai and the pronunciation is correct. I am the executive director of the Ontario Separate School Trustees' Association. Thank you for entertaining our brief.

Our association has been in existence for 55 years and represents all 53 eligible separate school boards in Ontario.

With your permission, may I introduce you to the presenters representing our association. On my immediate left is Mr. Joe Duffey, president of the board of directors and a trustee on the Frontenac-Lennox and Addington County Roman Catholic Separate School Board. On his left is Mrs. Martha Joyce, a trustee with the London and Middlesex County Roman Catholic Separate School Board. On her left is Mr. Patrick Meany, a trustee with the Dufferin-Peel Roman Catholic Separate School Board. Finally, on his left is Mrs. Roberta Anderson, a trustee from the Ottawa Roman Catholic Separate School Board.

Before I ask Mr. Duffey to begin our presentation, I note we have given each of you a complementary copy of the two-volume history of Catholic schools in Ontario by Mr. Franklin Walker. I hope you will find the books a useful resource in understanding the history behind the legislation currently before us.

Mr. Duffey: May I first say how pleased we are to have the opportunity to speak to you about this bill. This subject has been on our agenda for 55 years, the lifetime of our association. It is our prime objective.

There should not be a publicly funded school system anywhere that is forced to terminate before it is completed. Our feelings are the same as those of the leader of the New Democratic Party, when he said on the day the bill was introduced, "I am glad this matter is being dealt with and listened to."

It is not our intention to read the brief clause by clause, but rather to deal with various parts of it. We hope the committee members will feel free to raise any questions they may have. We believe we have left ample time to accommodate this.

We are not going to raise the constitutional question of the bill. As we say in our brief, that will be dealt with in another forum on another day. However, the right of the separate schools to exist has been confirmed in court case after court case down through the years.

As then Premier William Davis said in his statement to the provincial Legislature a year ago last June, "This new direction is not compelled by or founded upon a reinterpretation of old statutes...." He also said, "We are not mere hostages to old arrangements," in making a sound case that the level of education acceptable in the mid-1880s is not the level of education acceptable today.

The knowledge of man is ever expanding at an ever-expanding rate. Our children must have much more information today to compete in today's world than was needed a generation ago. However, education is not only concerned with knowledge; it is also concerned with wisdom and the proper application of knowledge. Knowledge has given us the nuclear age; wisdom will enable us to live in it. Catholic education has historical values in aspects of learning, knowledge and wisdom.

Mr. Chairman, I pause here and ask Martha Joyce to expand upon wisdom as we see it in the Catholic school system.

Mrs. Joyce: Mr. Chairman, I guess we will use the word "chairperson" as we advance in wisdom and knowledge.

Joe Duffey, our president, has just finished stating there should not be any school system that is publicly funded which terminates before it is completed.

I would like to talk about what a Catholic school is. You will note that on page 2 of our brief we turn to a discussion of education and the role played by our system in providing education for students in this province. A student attending a Catholic school receives the same education and is governed by the same regulations and curriculum guidelines as a student at a public school, but all that is from a different perspective. It is that perspective which distinguishes the Catholic school.

10:10 a.m.

As a mother of school-aged children in whom I take immense delight and as a trustee elected to represent other Catholic parents' aspirations for their children, for whom I also sense a great deal of responsibility, I am convinced the separate school system, precisely because of its denominational character, has an important and unique contribution to make.

In an address before members of the Canadian Parliament at the third national prayer breakfast, held at the Parliament Buildings during Canada's centennial year, Jean Vanier used the example of his father, Governor General Georges Vanier, to show that faith and prayer will never be a detriment to success in public affairs. Moreover, he stressed the importance of spiritual values and spirituality as the values that bring individual, social and international peace. He described statesmen as being open to the deep and real values of man, open to those values that are lasting and that vary little with the passage of history.

It follows then that because it stresses the sacred character of human persons and their responsibility to God's entire creation, the separate school system makes a profound contribution to peace, harmony and justice in our country.

In order to appreciate in what ways the denominational and nondenominational education systems are alike in this province, the analogy of twins comes to mind. Although none of my four children are twins, I have been challenged to distinguish between identical twin

cousins. As alike as the voices and facial features of identical twins, the publicly funded Catholic and the nondenominational education systems have goals of education that are indistinguishable.

For example, both systems would be expected to have as stated academic goals that all students acquire the ability to think rationally, use problem-solving skills and apply logic and skill of inquiry. The dual systems could well state vocational goals in identical language; for example, that students acquire the skills and specialized knowledge that will help prepare them to become economically independent, or that students acquire a positive attitude towards work and an appreciation of the social value and dignity of work. In addressing social and civic goals, there might be the development in the students of the ability to form productive and satisfying relationships with others, based on respect, trust, co-operation and caring.

Just as identical twins exhibit character traits that clearly distinguish the one from the other, so too does the distinct character of the Catholic denominational system become apparent when the statement of a spiritual goal is made. The spiritual aim of a Catholic education system might be stated as helping students to understand the relationship between God and His world and their responsibilities.

In reflecting upon the statement of aims and objectives, one readily appreciates that one school system has had an advantage over the other in achieving to the full its mandated educational goals. Since 1871 one system has been allowed to grow and carry its nondenominational philosophy of education into secondary education. In 1985 Bill 30 will allow the separate school system likewise to grow and to carry with that growth into the secondary education system the same philosophy of Catholic education that is its distinction at the elementary level.

You may well ask, "Is this distinction divisive in nature and in application?" The answer is an unequivocal no. In Ontario, separate schools at the elementary level have existed in harmony with their public school counterparts for more than a century. Separate schools for years have operated grades 9 and 10 in communities where public high schools exist and there is neither discord nor disruption.

In introducing the legislation in the House, the Minister of Education (Mr. Conway) spoke of pursuing excellence in education. That is what we want for all the children of this province, excellence of education for your children, my

children and everyone's children. The minister stated:

"In pursuing excellence in education, the separate and public school systems each has a distinct mission. Together, they must respond to public expectations about programs, access, standards and quality. Individually, they must nurture a particular set of constitutionally protected rights. Together, they provide Ontarians with a comprehensive educational system guaranteeing equality of opportunity for all our children."

I am happy to see this intent in the bill.

You will note on page 6 that our brief examines the legislation in respect to three criteria. One is that the bill provides for the full protection of the excellent education offered in the public secondary schools under the jurisdiction of boards of education. The second is that the bill ensures the provision of secondary school education in full conformity with Ministry of Education requirements; and third, it does so in harmony with a philosophy of Catholic life.

In the report of the Task Force on Canadian Unity, which was co-chaired by the late Premier of Ontario, John Robarts, in the volume entitled *A Future Together*, there are statements which embody all the arguments about the creation of diversity in our society and provide the answers to those arguments in a most persuasive way. It says:

"Not only must we learn to accept the fact of diversity, but we must also discover how to cherish and embrace it. If we can learn to believe that our neighbour's differences are not a threat to us and what we stand for, but a part of the neighbourhood within which our own identity finds free expression, we shall have moved a long way towards understanding what the Canada of tomorrow must be all about.... For some people, unity seems to imply the submersion of diversity into one homogeneous mass.... [Canadian unity] is the sum of conditions upon which the various communities and governments of Canada agree to support and sustain the Canadian state."

We believe education, as well as business and politics, can benefit from diversity of approach under fair conditions. Co-operation, which has helped make Ontario's dual school system function in equality and harmony has been, and we pledge will continue to be, a valuable and distinctive contribution to the progress of our entire population. Co-operation was the key to Confederation itself. We have much to bring to

the area of co-operation. I will ask Pat Meany to expand upon this.

Mr. Meany: Martha has talked about the distinctive contribution of Catholic schools. She also spoke about the role co-operation has played in the building up of our country and of the potential for co-operation in the circumstances that will arise from this bill. In the passing of our system to complete maturity, as we say in our brief, we are not unmindful that this maturity also brings greater responsibilities. As Catholic educators, we not only acknowledge the obligation but we perceive the widening opportunity to co-operate and to serve. In accordance with our own philosophy, we welcome that opportunity. We do believe we have something to offer.

You have all lived in this province and have seen our education system in action. You know, too, that Catholics are not new to secondary education in Ontario. Regiopolis in Kingston was founded in 1837. Before Confederation, Toronto already had St. Michael's, St. Joseph's and Loretto Abbey and Ottawa had Bytown College. St. Jerome's, Kitchener, as Mr. Epp well knows, I am sure, was already in existence at that time, as was St. Mary's in Sandwich. Chatham had The Pines, Hamilton had Loretto and Kingston had Notre Dame, in addition to Regiopolis which I have already mentioned.

10:20 a.m.

In recent times Catholic high schools have experienced a period of rapid growth in spite of financial difficulties. We have all seen it in our different parts of the province. Mr. Offer, for instance, will probably know of our high schools in his riding of Mississauga North: Ascension of Our Lord, St. Ignatius Loyola, and St. Martin where one of my sons has just completed grade 13. He will be aware of Holy Name of Mary, which draws many of its students from that riding. Dr. Allen will no doubt know of the Catholic high schools in the Hamilton area such as Bishop Ryan, Cardinal Newman, St. John Brebeuf, St. Thomas More and the cathedral schools.

I believe Bishop Macdonell is probably known to Mr. Guindon. Mr. Cooke will be familiar with Assumption College and with F. J. Brennan in Windsor. Mr. Davis, as well as the chairman, will no doubt be relieved to learn I do not propose to recite the list of Catholic high schools in Metropolitan Toronto. Let it suffice to remark that at last count there were some 30 of them.

Altogether throughout the province there are more than 100 Catholic high schools in existence today. Not surprisingly, all this experience has

created in our system a considerable pool of knowledge, wisdom and skill in educational matters.

The integration of the final grades into our publicly funded system obviously can only enlarge and deepen that resource. Most willingly, we undertake to extend our concern for overall research and development in educational practices, curriculum development, program application and, in general, in the ever-continuing effort to improve the educational process to the benefit of all the students of the province.

In our brief we say we have long reached the point where we could operate a secondary educational system reflecting the philosophy of Catholic education which would not hamper the growth and development of the public secondary system. I would go further than that. Far from our system being an obstacle, I believe in time it will be seen that each of the two systems will benefit from the existence of the other. We will draw strength from each other.

The opportunities for us in the untravelled world that now opens before us will be to co-operate and serve. It would be a betrayal of what we stand for if we were to do no more than to grasp and jealously guard our rights.

The bill before you, in its eventual complete, final form as an act of the Legislature, and the existing Education Act will provide the framework within which we shall be operating. Our president, Joe Duffey, has some general comments on the bill.

Mr. Duffey: Mr. Meany has been indicating this is not a new experience for us. As he said, we have been in the high school business since 1837. By Confederation we had at least nine high schools operating in the province under the Catholic school banner. Mr. Meany also indicated the public system will not suffer in any way. It is going to be a real co-operative effort.

If you will turn to page 6 of your brief, you will find the criteria used in examining the various clauses of the bill. With reference to the first our position is quite clear. The excellent public elementary system has not been harmed by the operation of our Catholic elementary system. If I could read from our information kit, which you have already received, the question is, will it harm the public high school system? The answer is certainly not. There is a commitment on the part of all that no action proposed in the provisions for completion of the separate school system will harm the public school system.

The second criterion creates no problem. We have always said we would guarantee that no jobs would be lost in the public secondary school system as a result of the Catholic school system, and we mean just that. We will accept seniority, benefits and salary commitments. There is nothing we will not honour. As we say in our brief, we see it as a matter of social justice that we concern ourselves with the employment of any person—not only teachers—displaced because of completion. We want to be fair and just, and we will be fair and just.

The third criterion deals with the Catholic nature of our schools, the different philosophy of education that marks our schools as Catholic. In the beginning of Confederation in this province, it was decided for the wellbeing of the province and of Canada that the common school system would be divided into twin units, the one to be denominational and the other to be nondenominational. This matched a similar arrangement in Quebec, the other principal partner of the union. Without this compromise and commitment, as the highest authorities have emphasized, Confederation would not have been possible. I am sorry Mr. Timbrell is not here, because both of us being from Kingston know where the Confederation dream began.

I want to take a few minutes more to talk about what separate school boards are. Separate school boards are trustees elected by separate school electors from among their own numbers to manage the affairs of separate schools. In our submission to the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario in February we said it is the responsibility of the elected Catholic trustee to ensure the Catholicity of our schools. The Catholic trustee and the Catholic school board must cherish and protect the Catholicity of our schools; it is their responsibility and the reason they hold office.

I would like to ask Roberta Anderson, who is a trustee from the Ottawa Roman Catholic Separate School Board, to tell you how that responsibility will be exercised under the provisions of this bill.

Mrs. Anderson: Our president, Mr. Duffey, has referred to the three criteria established by our association in examining the legislation before us, Bill 30. They are (1) protection of education offered in public secondary schools; (2) ensuring that no jobs be lost as a result of completion; and (3) conformity with Ministry of Education requirements within a philosophy of Catholic life.

As well, he addressed the nature of a Catholic school board from a legal point of view. I want to say how pleased I am to speak with you today. In particular, Mrs. Joyce and I, as 50 per cent of the Ontario Separate School Trustees' Association representation, are proud also to represent that half of the human race that has traditionally been identified as the first and primary educator of children, women.

In conjunction with our presence here, being testimony to the contemporary involvement of women in the world of business and in the political forum, popular perception of the contemporary man has expanded also to recognize and acknowledge men as nurturers and as emotional, socially sensitive human beings.

10:30 a.m.

Catholic school boards across Ontario have recognized the economic inequities and structural biases that have traditionally disadvantaged women. Many of our boards are implementing affirmative action programs designed to provide employment equity and professional development at the employee level as well as to eliminate sex stereotyping and encourage nontraditional role models and career choices at the curriculum level.

Students and staff entering our system for the first time from public boards of education will find that in many respects, such as in the area of employment equity, our actions parallel those of nondenominational boards. Accepting this, we continue to be proud of the Catholic school difference. A Catholic school strives to develop in the student a critical and analytic conscience, which will enable that student to look at economic, political and social systems and to bring to them an appropriate judgement based on gospel values.

A proper understanding of the religious education program in Catholic schools requires that it be seen not as an isolated subject but as an enlivening and enlightening element in the whole school curriculum. Religious education is the uniting force which makes the learning environment of a Catholic school something distinctive from any other school. Within this environment, Catholic school boards anticipate the acceptance of increased numbers of non-Catholic teachers on staff. We are prepared to accept the responsibilities inherent in this process.

It is naturally our hope that enough Catholic teachers currently employed in nondenominational high schools will transfer voluntarily to obviate any necessity of having teachers declared either redundant or surplus. The acquisition of

experienced teachers by Catholic boards would be very beneficial to the development of our secondary system. The resulting retention of newer, younger teachers by public boards should be a welcome consequence at a time when the median age of teachers in Ontario is somewhat over 40. As a stimulus to the future employment of teachers, the development of a variety of early retirement and leave plans currently occurring throughout the province will provide job opportunities for young people who are graduating from the education faculties of Ontario universities.

In addressing the employment of non-Catholic teachers in Catholic schools, we assure you that Catholic educators recognize and respect the creative and rewarding contribution made by non-Catholic teachers in public high schools and in our schools, and the benefits provided by their professionalism. We ask of those who may be entering our employ only what is specified in the Education Act.

I remind you of the reason for boards of education, for faculties of education, and indeed for a Ministry of Education. We all exist solely to serve the future of Ontario through serving Ontario's students. Providing educational equality and educational excellence is the purpose of this whole exercise.

Page 11 of our brief points out that with respect to pupil access to secondary separate schools, the bill before us corresponds with an existing provision of the Education Act, sections 40 and 159, for pupil exchanges between boards of education where space permits. We recognize that many courses, such as technical, vocational and commercial, require costly, specialized equipment. In jurisdictions where numbers do not warrant duplication of these costly facilities, it would appear to be practical and mutually beneficial for students to acquire the skills and knowledge that these courses offer through the purchase of services.

In reference to facilities in a declining enrolment situation, which is currently the case in a majority of Ontario public school jurisdictions, there is a plethora of pupil places in secondary schools. This condition facilitates amicable arrangements for the economic use of existing facilities.

All three parties in the Ontario Legislature have commented on such practical use of available resources. As early as 1970, Donald C. MacDonald, former leader of the New Democratic Party, stated in the Legislature that "with the removal of the legislative barriers to fuller

sharing of services and facilities between the two systems, public and secondary schools can each retain the integrity of their own system but eliminate costly duplication of expenditures and thereby increase the level of educational opportunity available to all children."

The Ontario provincial Liberal caucus has pointed out: "Equality is the most valid basis for a fruitful co-operation which will improve standards in both sectors of the system. We would expect economies to occur."

Finally, then Premier William Davis said on June 12, 1984: "The [planning and implementation] commission will ensure that our abundant existing capital stock"—school buildings—"is effectively employed to provide a full range of programs.... The first planning task is to make maximum use of its existing school plant."

Now I would like to address the question of non-Catholic students in Catholic schools. As you know, Catholic boards in Ontario are quite prepared to accept non-Catholic students. For most boards this is simply the expansion of what had already been extended as a courtesy. As was stated in the Ontario Separate School Trustees' Association submission to the planning and implementation commission in February 1985, "The conscience of the non-Catholic student will be respected."

Page 11 of our brief points out that pupils who are not Roman Catholic, enrolled in separate secondary schools, shall be exempted from religion programs and classes by the separate school board unless their parents request otherwise. Such a provision already exists for public, elementary and secondary schools in subsection 50(2) of the Education Act:

"No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian, or by the pupil, where he is an adult."

Catholic trustees are aware that in many communities travel distance and student population make it impractical to operate two secondary schools. Catholic boards in these communities have carefully studied and discussed local circumstances with their coterminous and neighbouring boards. Most of these unique situations are being solved locally with the support of the planning and implementation commission.

Our president, Joe Duffey, will address the diversity of circumstances and conditions which face us.

10:40 a.m.

Mr. Duffey: Roberta has been speaking to us about the fairness we anticipate in the separate high schools. She has indicated there will be fairness for teachers, for pupils and for other employees who are transferred from the public school system to the separate school system because of completion of the separate school system. She also indicated to us that expensive facilities will not be duplicated.

It should be noted that our association has trustee membership from all areas of the province. We have membership from all 53 separate school boards in Ontario. We are aware of situations that are as different as those that are uniquely metropolitan in scope and those that are uniquely small-school operations. We are very aware of the nuances of the two official languages situations.

We echo the sentiments expressed by the planning and implementation commission with reference to such diverse situations, that these are best dealt with on a one-on-one and one-by-one basis. Local solutions, locally arrived at, are the best basis for arriving at acceptable solutions. We are confident our trustees are aware of their responsibilities. We are confident people of goodwill can arrive at mutually satisfactory solutions within ministry guidelines.

As our brief points out, we are sensitive to the fact there are more than 100 communities where travel distance and student population make it impractical to operate two secondary schools. Our boards have taken part in the hearings of the planning and implementation commission. Our boards have dialogued diligently about local circumstances with their neighbouring boards and the commission. We trust that much responsibility in this regard will be left by the legislation to the commission, which has shown itself to be dignified, fair, helpful and knowledgeable. Some 38 of our boards whose plans have been recommended for approval echo that appreciation.

We point out that our suggestions concerning student access and respect for concepts of non-Catholic teachers and students are well stated in the information material we supplied to you in our We Appreciate Your Concern! kit. We draw your attention specifically to the pages entitled "Will it Harm the Public School System?" and "Who Can Attend?"

We would like to tender our good offices in volunteering to bring before the committee experts from across the country knowledgeable in educational matters and in the implication of practices in situations where two fully funded

public and separate school systems are currently operating. We would hope that, should the need arise, we would be provided with the opportunity to appear before the committee again at some later date to respond to further questions after we have had a chance to review submissions made.

Let me summarize our entire presentation. There will be no jobs lost. There will be no harm to the public school system. There will be student access. We hope that, through discussions, volunteer teachers will be fairly treated.

If I can sum up the essence of our brief, we want fairness for all—students, teachers, employees and ratepayers. We regard Premier William Davis's statement and the subsequent Liberal government action as an array of positive challenges. These challenges are opportunities to enrich the education of all our young people. We desire to become workers for something truly great, striving for educational excellence and for the provisions of equality of educational opportunity for all the students of our province, which can bring us and our nation near to the society that is our hope.

Thank you kindly, gentlemen, for hearing us. We are ready for any questions you may have.

Mr. Chairman: Thank you. I have a short list growing: Mr. Timbrell, Mr. Offer and Mr. Allen.

Mr. Timbrell: I must say this is a very good brief, and particularly as Mr. Duffey has concluded it, it strikes the high ground in calling for fairness for all. That is what we are all looking for as we review the bill and consider the representations that are made to us and our own thoughts as to how, if possible, it can be improved to be fair and equitable to all.

I have several questions that are not new to the committee; they have been discussed with other groups and individuals who have appeared before the committee. The first question has to do with jobs. One of the concerns I have raised with several groups has to do with the elementary panel.

Recognizing that the bill deals with the completion of funding for the secondary panel, it is the view of some of us that at some point in the course of the next 10 years, as all this settles in, some elementary school teachers, supervisory officers and support staff potentially may be affected; that is, their positions may become redundant as a result of significant shifts of enrolment.

In the event that does occur, Mr. Duffey, I wonder how you feel we might provide for that in this bill so that as and when it does occur, those

individuals, whatever their positions in the elementary panel and for whichever board, will be protected.

Mr. Duffey: It is fair to say we have not looked at that question; but I would like to tell you that when we speak of fairness and justice, we are not just starting that at the grade 9 level. When we say we want to be fair and just, and we will be fair and just, we are looking at our entire school system from kindergarten to grade 13 or the 12-plus range. I am positive those arrangements can be worked out.

Mr. Timbrell: So you would have no objection if somewhere down the road we were able to find appropriate wording to amend the bill in some way to ensure in statute that the spirit and intent of what you say, representing all separate school trustees, will be done?

Mr. Duffey: That is correct.

Mr. Timbrell: The second matter, a very sensitive one that has been discussed on several occasions, is the question of creed and exactly what protections the bill will give to those teachers who move from the public system to the separate system with respect to discriminatory hiring and promotional practices. We have heard various definitions of what "creed" means and what that protection will consist of.

Can you tell us what your understanding is of what the 53 boards are committing themselves to do with respect to the hiring and supervision of teachers who will move from the public system?

Mr. Duffey: In Ontario, we have probably one of the best school systems in the world and certainly in North America.

Mr. Timbrell: You are not going to get an argument from me about that. It took 42 years to build.

Mr. Chairman: There is a terrible echo in here.

10:50 p.m.

Mr. Duffey: We do not see anything wrong with the way the public school people hire their teachers. What I say is that if they are good enough for the public secondary school system, they are good enough for the Catholic secondary school system on a designated list. We would hope they would follow the philosophies and teachings of the separate school system, and that is the code.

Mrs. Anderson dealt with this in her presentation. I wonder if I could pass the question to Mrs. Anderson.

Mrs. Anderson: As our president mentioned, I referred in my part of the presentation to the fact

that the requirements that would be imposed on teachers coming into the Catholic school system for the first time would be exactly those that are outlined in the Education Act.

The content in the various employee groups of Catholic school boards across the province at this time I think would indicate we have not been totally exclusive in our hiring practices. Many boards across the province currently employ non-Catholic teachers as well as large numbers of non-Catholics in nonteaching positions. Certainly it is the intention of the association and the boards of this province to respect the commitment we have made to treat non-Catholic teachers coming in exactly as we treat those who are Catholic.

Mr. Timbrell: If I could probe it a little further, the matters of lifestyle are of concern to members of the committee from all parties, personal matters such as marital status and personal views on such sensitive matters—particularly to the Roman Catholic church—as abortion. To what extent will or should those views and practices, as held by people who will move to your system from the public system, influence their hirability or promotability?

Mrs. Anderson: Could I just indicate that the Catholic school boards are not so naïve as to think there is perfection anywhere? As long as the lifestyles of people are not being promoted in our classrooms, those are between them and their God.

Mr. Timbrell: Good answer.

Moving to the next area, I might perhaps put this question to Mr. Duffey. With respect to your position of no harm to the public system, in a number of drafts of the bill—you are aware that what you have before you is draft 12—there were provisions for consolidated boards.

When you and I chatted last December in Thunder Bay, I was very impressed with what you had done in your board in terms of co-operation with the local public system. I would expect as much from a Kingstonian.

Mr. Duffey: Thank you.

Mr. Timbrell: Likewise what I have heard in Peterborough and Middlesex and other parts of the province.

Mr. Duffey: There is co-operation on both sides.

Mr. Timbrell: Indeed. It has to be there.

Do you have any views on this question of consolidated boards? If you are not aware of what was in the drafts, it was not obligatory—nor should it be in my view. It was permissive,

allowing for coterminous public and separate boards, after public hearings held by both boards, to form a consolidated school board. Do you have any views as to whether or not it is appropriate to provide such permissive legislation for that?

Mr. Duffey: I have some views on that. Certainly I am opposed to that personally. I understand what you mean by consolidated boards. There would be a certain number of trustees elected from the separate school system and an opposite number—I am not sure what you mean by that, whether they would be numbered according to assessment, public or separate, or how that would work out.

The right to form a school by a Roman Catholic separate school board is constitutionally entrenched. I really cannot see why we would give up that constitutional right.

I think there are other places to start, if I could be so bold as to talk about this for a moment. When we speak about consolidation, in Metropolitan Toronto, for instance, you can look right here. You have one separate school board with one director, one transportation officer, one for each of these areas. I am not sure, but I believe you have five or six borough boards with one director.

So where you have 24 trustees running a large Metro board, you have about 100 trustees running the same area. There is the situation of the number of directors and number of supervisory officers. I think all that should be looked at, not only in Toronto but also in our area, the eastern part of the province.

My own board covers two counties: Frontenac, and Lennox and Addington. The public boards in those areas have two boards of education where they have two directors and a duplication of personnel. Hastings-Prince Edward has one board in the Roman Catholic separate school system. We have the Hastings Board of Education and the Prince Edward Board of Education. We find those sorts of examples all through the province. If it is consolidation of economics we are talking about, that is the place to look.

Mr. Timbrell: When Mr. Davis was Minister of Education, he went a long way towards that. He reduced the number of boards from about 800 or 900.

Mr. Duffey: Yes, that is correct.

Mr. Timbrell: I think the current number is 90. Nobody is arguing the constitutional position—although we have asked for a legal opinion so we are all clear on exactly what that

constitutional position is nobody is arguing about that—I certainly understand that, from your own perspective, the question is whether a permissive clause should be in the final version of the legislation, so that when and if the occasion arises down the road—and we hope this legislation will stand the test for a very long time—where boards in a particular part of the province wish to do so, it is permissive, not obligatory. What would be wrong with having that in?

Mr. Duffey: As I indicated in my little talk, that is a local situation where the solution should be arrived at locally. I would not want to speak for the boards in that area. That is a situation that has to be decided by the people concerned.

Mr. Meany: I would like to make a comment on that. It gives me an opportunity to use a word that I am proud to know but do not get to use very often. The word is “fraught.”

The issue here, I am afraid, is fraught with constitutional difficulties. Even in a permissive situation locally, I fear if this were to happen, any Catholic separate school supporter could get up and claim he was being deprived of his constitutional rights. I think even permissive legislation is very dangerous here and should be avoided. As Mr. Timbrell said, we want to put in something that will stand the test of time.

Mr. Timbrell: On the question of student access, the present provisions of the bill are limited to where space permits, in essence. There was a concern raised yesterday by Rev. Boehler, which I have not had a chance to pursue. If this provision was broadened in any way—in other words, to provide for equal access between the two systems—Rev. Boehler’s view and that of the Metropolitan Separate School Board was that this would in some way undermine or threaten the integrity of the Roman Catholic separate school system.

I would like to know your reaction to that. Do you agree that equal access between the two publicly funded systems—one of which will continue to be nondenominational and the other of which will be and should be a Roman Catholic system—would be a threat, and if so, how?

11 a.m.

Mr. Duffey: I think the bill provides for space available. Give us the space and we will accept the students.

Mr. Timbrell: I am not sure what that means.

Mr. Duffey: It means there will be access to the school system for all students if space is available. We do that at the moment in our elementary school system. I think something like

almost four per cent of the students in the Roman Catholic school system, even though the schools are overcrowded, are non-Catholic students. It has never been a policy of any school board I am aware of to turn students away.

Mr. Timbrell: That is certainly a critical consideration for the committee as we work towards reporting back to the House some time this fall, whether the committee will leave that provision of the bill as it stands or amend it in some way to provide for full access for all to either system.

Mrs. Anderson: Could I ask a question of clarification?

Mr. Timbrell: Certainly.

Mrs. Anderson: What do you mean by full access?

Mr. Timbrell: Choice. Families would have the right to choose where to send their children, acknowledging that one system is denominational Roman Catholic and the other system is nondenominational.

Mrs. Anderson: I do not see where the restriction is at present. If there is an enrolment crisis, would accommodation not be provided through the laws of this province on provision of accommodation spaces?

Mr. Timbrell: One would presume so, certainly, when looking around the growing community of the province and the provision of portables, portapacks and others. Even where I used to teach, when Don Mills was a growing community, we did that in both the public and Roman Catholic schools in the community. That is a thorny issue we are going to have to discuss here.

Mr. Chairman: There does seem to be a difference between what we heard yesterday and what we are hearing today. I do not know if that is what you are trying to put your finger on, Mr. Timbrell.

Yesterday, the Metro board essentially said to us that it asked families who were volunteering now to come into the system whether they were willing to participate in religious practice. The board indicated it was mostly interested in people who were willing to have their children take the full religious practice, without the sacraments, obviously, if they were non-Catholic.

That does not sound as permissive as what you are saying to us today. I am beginning to wonder what the association’s role is versus its members here. When you present your policy, is it your understanding that each board is within the

association's point of view or is there a variance from what I interpret we heard yesterday?

Mr. Timbrell: I was coming to that, because there was an interesting statement made towards the end of the submission to the effect that the conscience of non-Catholic students would be respected. I see two separate but related issues. One is the question of whether there should be any legislative barrier provided for with respect to access. The second related but distinct question concerns the choice of religious instruction.

As the bill stands, in the case where children must go to a Roman Catholic secondary school by reason of program or disability or whatever, it provides that they shall be exempt. For those who choose to go there, it is permissive. One would expect that with 53 separate school boards the pattern could be quite different in each.

I want to get into that right now. However the access question is resolved in the legislation, in those cases where students choose to go to the Roman Catholic secondary school, should they, in your view, be automatically exempted on the request of their parents regarding that, or should it be permissive with respect to the board's discretion?

Mrs. Joyce: My opinion on that matter is that it should be at the discretion of the local board. I have not read the Metro brief that was presented to this committee. The chairman of your committee said they were mostly interested in students who would want to follow the full program of the school. I think that is reasonable in Metro Toronto because there are a lot of public secondary schools that are easily accessible to the students and a lot of Catholic schools that are easily accessible to the students.

You have to look at the local characteristics in the small communities across this province. I think it is eminently reasonable that it be at the discretion of each school board to make the decision as to what extent it will exempt students who freely choose to come there. In co-operation with the planning and implementation commission, they can best determine how free that choice was in the particular local circumstances.

We feel students can come to our schools and not in any way act as a detrimental factor on our denominational character. We are prepared to accept them and in some cases to exempt them, even when they freely choose to come.

Mr. Timbrell: You come from different parts of the province. Do any of the other representatives have anything to add?

Mr. Duffey: There is no disagreement with that statement.

Mr. Chairman: May I move to Mr. Offer and then we can come back, so people can get on the list? I have Mr. Offer, Mr. Allen and Mr. Davis. I presume we will come back to some of these issues. We will do this and give everybody a shot rather than taking supplementaries.

Mr. Offer: I will direct this to Mr. Duffey. I would like to refer you to page 9 of your brief, at the middle paragraph and probably the middle sentence.

You say, "A Catholic school strives to develop gospel values. Then in the middle you say: 'This is best achieved, we believe, through Catholic staff. The employment of designated teachers without discrimination as to creed may affect the Catholic ambience of our schools.'"

How do you reconcile that statement with your second general comment on page 6, "That every person affected by the provisions of the bill be treated fairly and justly and no one lose a job..."? I would like to know how you reconcile that.

Mr. Duffey: I believe I can explain that. On page 6 what we are stating is a fact, "That every person affected by the provisions of the bill be treated fairly and justly and no one lose a job...." That is on record.

On page 9, in that middle paragraph, what we are really saying is that what we would like to do is to get the volunteer teachers on to the designated list. I understand what we have now is that the designated teacher is designated by the public school system as the one who has become redundant because of a shift of pupils.

There are some teachers in that school system who would want to come to the Catholic school system who are not on that list. What we are asking for is that the designated list be altered or changed so a volunteer can take somebody's place on the list. The way it is at the moment, volunteer teachers are not part of the designated list. That is what we are looking for there and that is what it means.

Mr. Offer: Do you expect that the volunteer transfers would have priority over the teachers remaining on the designated list, notwithstanding seniority?

Mr. Duffey: Not necessarily. I believe the commission has stated all designated teachers will be hired by the local public board or then go into some sort of province-wide pool. I think those are the general terms of what is happening. If a position is available in Kingston and there is a teacher excess in Toronto, that teacher can then be offered that position. On page 9 we are saying that is the ideal situation.

11:10 a.m.

Mr. Offer: Once more, with respect to that statement on page 9, it is your position that the employment of designated teachers may, in your opinion, affect the Catholicity of the schools.

Mr. Duffey: That very well could be. Yes, it may.

Mr. Offer: Going on to the appendix to your proposal, on the sheets headed, "We Appreciate Your Concerns" there is one headlined in full block, "Will Anyone Lose a Job?" The second-last paragraph states, "Separate school boards across this province have agreed to hire such displaced persons...."

I wonder if you can clarify this particular statement.

Mr. Duffey: I am sorry, Mr. Offer. Would you tell me what paragraph you are reading from, please?

Mr. Offer: It is on your sheet headed, "Will Anyone Lose a Job?" It is the second-last paragraph. I believe there are nine paragraphs in that particular sheet.

Mr. Duffey: Is it the one starting "Because of retirements, resignations and voluntary transfers"? Is that the paragraph we are dealing with?

Mr. Offer: Yes, but it is at the top of the following column. It states, "Separate school boards across this province have agreed to hire such displaced persons...."

It seems to me, and I am just asking for clarification, that from that particular wording there is not going to be some sort of a distinction between voluntary transfers and teachers put on the designated list who do not wish to enter into a voluntary transfer. I am wondering if you might be able to clarify this particular statement, or if that particular statement is your position.

Mr. Duffey: Our position is that no one will lose his job over this completion. That is our position. It says, "Separate school boards across this province have agreed to hire such displaced persons and to provide them with the same salary they now enjoy with full recognition of seniority." That has not changed; that is our position. That is what we state in our brief and that is what we state right here.

Mr. Offer: So, you will have—

Mr. Duffey: The only change we would like is for the legislation to include volunteer teachers on the designated list, and the volunteer teacher will be treated exactly the same as the designated teacher.

Mr. Allen: Since we are at that point, I can pick up on the question and ask you whether you are aware that the discussion which has taken place in the committee to date has begun to move some of the discussion of the designated list from designated persons to designated positions, which might make the movement of personnel on to those lists a little bit more flexible. Were you aware of that?

Mr. Duffey: No, I was not.

Mr. Allen: In that respect, am I hearing you correctly that, in your mind, in the movement of volunteers on to the designated list, whether it is of positions or persons, those volunteers will be accorded all the protections which would normally go with being on the designated list? They become the designated persons to transfer.

Mr. Duffey: They become the designated list. As I understand what the commission has said, the public school board in that particular area will designate the teachers—I was not aware of the positions—who will become redundant because of the population shift of students. If there are 10 teachers, as an example, who are on that list as designated teachers, and if there are five volunteers from that public school system to take their places, then I would think those teachers should be counted as the designated teachers.

We would like them to be counted, but as I understand the present or the proposed legislation, it does not deal with that quite in that way. The five volunteers would then be surplus teachers because the designated-list teacher would not change. We would just like that part changed.

Mr. Allen: In your hiring off that list, would you then respect all the other considerations of seniority, qualifications and so on, in the hierarchy? Would they then become next on the designated list?

Mr. Duffey: Exactly. They then become the designated teachers.

I just want to say this is something we would like. We will not go to the wall on it or anything like that. It is an amendment we think is fair.

Mr. Allen: I think it has some appeal to us, too, but that will be down the road for us to decide.

I also am hearing you say you believe the use of the designated list ought to extend beyond coterminous boards. If a separate board in Kingston has a need of someone with all the qualifications and if he is on the designated list in one of the Toronto boards, when that person is hired by the Kingston board, he would take with

him all the protections that would attend the designated list in the first instance.

Mr. Duffey: Yes. That is not something my association has thought up. I understand that came from outside sources, that somebody had indicated it would be a good idea. I think it would be too. It would give a person more protection. He would be offered the position. It would then be up to that designated teacher whether he moved to the new location. I see no problems here at all.

Mr. Allen: May I say I understand your position when you responded earlier to the question about whether there would be any tension between the effect on the Catholic ambience of your schools that non-Catholic teachers would bring, on the one hand, and the question of teacher security, on the other hand. Quite clearly, that will be the case. There will be some effect, and I hope it is healthy, given that the quality of teachers in the public system is such that they will bring a great many skills, gifts and attitudes that would be useful in any school system and would add to the richness of your own community of teachers and education.

However, we have frequently been referred to the basic criteria, which everyone will respect, contained in section 235 of the Education Act. I appreciate the references there, of course, as you will interpret them, are very general with regard to the inculcation of respect for religion; the principles of Judaeo-Christian morality; the highest regard for truth, justice, loyalty and so on. At the same time, as we know, many very conscientious persons apply those considerations in very different ways.

To take the extreme example Mr. Timbrell has used—the question of abortion, in which the polarity perhaps is greatest at the moment with regard to a public issue—there are persons of profound Christian conviction who disagree radically. For them to inculcate an example by precept almost asks them to be honest to themselves as teachers. Do you see what I am getting at?

Mr. Duffey: Yes.

Mr. Allen: It is obviously difficult for a person with that character to leave all that behind. First, you are getting a person of considerable conscience and conviction and, second, someone whose conviction and conscience set him considerably at odds with the context in which he is working.

What I want to know is whether your group, as a trustees' association, has any guidelines to define this kind of situation and help work your

way through it. What is the purport and overall balance in your response to those kinds of issues? In that situation, does respect for the conscience of the teacher outweigh the pre-established—if I can use a badly misused word—orthodoxy of your system, or will it work the other way around? I think that is a very critical question for the protection of individual teachers. Can you respond to that?

11:20 a.m.

Mr. Duffey: I think Mrs. Anderson responded to that in her presentation. I wonder if Roberta would like to handle that question. I believe it is quite well covered in our presentation.

An excellent case of a person's beliefs being carried into the classroom has just been exercised in Red Deer, Alberta. Although I do not want to get into that, I would think if that particular teacher had been a math teacher or in some other curriculum rather than history, his ideas and beliefs would not have overflowed into the classroom. Personally, I believe it is a matter of placing people who have that type of conscience in certain areas in the school.

Privacy has already been discussed this morning. A person's private lifestyle is his own. When they come into the classroom in the morning, we expect them to operate under the school system. Every school board and every school has now drawn up a code of ethics. That code of ethics is approved by that particular board. I believe that covers those situations which were referred to by Dr. Allen, unless Roberta has something she would like to add.

Mrs. Anderson: I really think our president has answered it quite adequately.

Mr. Allen: I guess you answered that finally the ethos of the system takes precedence over the conscience of the teacher, if you can draw it down to the most extreme case. I am not sure whether that is the answer you wanted to convey or not.

Mrs. Anderson: I am trying to create a scenario because we are talking about real people, we are not talking about theories. I am picturing a classroom in a public high school setting where there might be five or six different ethnic groups represented and any number of creeds or different kinds of approaches and philosophies.

I do not expect a principal, who is the first authority over the classroom teacher, would encourage a classroom teacher in a public high school to take an extreme personal view into the classroom. It would be almost impossible not to

offend someone in that classroom because there are Catholics, non-Catholics and any number of people from broad groups there.

I do not perceive the standards that would be set in a Catholic school on that kind of issue would be any more stringent than those in the public system. I speak as the wife of a secondary school teacher in the public system and I am fairly familiar with the secondary public school. I understand there are standards established in those classrooms as well.

It has been my experience—and I have had students in both Catholic and nondenominational high school—that those standards are different to some degree, but they are not absent in the public school system. I would suggest the kinds of personal convictions that you are suggesting might be promoted in the classroom would not be allowed in a public classroom either.

Mr. Allen: No, I was not really suggesting that. Obviously, promotion of one's own views in the classroom is not professional in either system. I presume that is the way you view it.

Mrs. Anderson: Yes, that is correct.

Mr. Allen: But as we all know, there are teachers who raise significant controversial questions and who will forward the discussion by asking questions and raising points. A teacher in your system who raises sensitive questions on some subjects might, from a parental point of view, create a question with the board. We know he has these views in his private life and private capacity. Here he is asking this question in the classroom for discussion purposes.

I guess what makes us concerned is what kind of protections you as trustees want to see in those situations, so that a teacher can perform his professional role in opening up subjects like that for discussion. I would be asking the same question of many public school trustees. I am not trying to single you out in this respect, but your system has a particular ambience that makes some kinds of questions more sensitive than others. We all have to recognize that.

I am trying to ask you whether you have established guidelines, whether there are precedents you have in writing which you could provide for us that would help us see how you handle cases of this sort, so we have some reading of what the meaning of our legislation is when we attach certain words to certain kinds of protections.

Mr. Duffey: Mr. Allen, we have just that. We have a list of guidelines that we have sent to our boards under the hiring of non-Catholic teachers.

We will see that each person gets a copy of those guidelines.

Mr. Allen: Thank you very much.

Mr. Chairman: I wonder if you would allow me to give one example in this, which I think of as a real one. You wanted a real example. In the past year or so there have been many fluctuations on the abortion issue. One thing that has taken place is participation in rallies by students in the Catholic system on the pro-life side.

Some of the teachers might be coming into your system with alternative views, if I can put it that way. What would you demand of a teacher in a class when the principal has decided that buses will be going down to a rally to be held outside the clinic or whatever? Would you expect that teacher to participate or to be quiet about it, or would he or she be able to express his or her opinion that this was not an appropriate action and that he or she was opposed to that kind of action? What kind of constraints would be on that individual?

Those are very practical things I can see arising quite possibly in the next year or two, and I would like to know what you are going to do.

Mr. Duffey: If that scenario took place, the teacher would be expected to be quiet in the classroom about those types of situations if those were his or her views. If that teacher wanted to take part in the rally opposing the right to life, that would be that teacher's lifestyle. What we are saying is it will not matter as long as it does not get into the classroom.

Mr. Davis: Let us take the chairman's scenario and say the teacher decides he or she is not going to take part in that rally. When he or she comes to class the next day and students are inquisitive and ask that teacher, "Why did you not take part in the program yesterday?" does that teacher have a right to say why he or she did not take part? What they will have done is what you have said you cannot do, and that is to discuss it in the classroom.

Mr. Duffey: I do not believe we said it could not be discussed in the classroom. Abortions are discussed in Catholic classrooms; it is just that there is a different approach and a different answer to it.

Mr. Davis: But you said—

Mr. Duffey: What we are saying to the students in those classrooms is that the issue is wrong. What I am trying to say is that the private life of a person is that person's prerogative. What goes on in the classroom is outlined by the principal of that school. That teacher would be

expected, the same as in any other school, to follow the rules and regulations that are laid down under the code of ethics which the ministry has indicated every school must supply. The principal of the school is the boss of that school. That is the criterion that would have to be followed in those circumstances.

Mr. Davis: Let us say it happens in your jurisdiction, because the chairman has picked up one of the issues we can identify and view. Let us say there is a rally and the classes go but the teacher does not attend. The next morning the students ask that teacher, "Why?" The teacher then explains his or her views on abortion, which are contrary to the church's teaching. Does that teacher have the right to do that in the classroom?

Mr. Duffey: I do not see any reason why the teacher cannot answer the question of why he or she did not take part in that rally, as long as it ends there.

Mr. Davis: What do you mean by that?

Mr. Duffey: The teacher can answer the question. The question has been asked: "Why did you not take place in the rally?" The teacher can answer: "That is not my belief. My belief is that I am in favour of abortion."

11:30 a.m.

Mr. Davis: Can he or she explain why?

Mr. Duffey: Why she is in favour? As long as she does not try to prove—I do not know. I am getting out of my depth. I am not a teacher.

Mr. Davis: Then let me ask this question: If it happened in your jurisdiction—

Mr. Duffey: If that came to the board?

Mr. Davis: That is the question I was going to ask.

Mr. Duffey: If that came to the board, the indications would be outlined. The action the teacher had taken would be outlined by the director. The director would have input as to why this was here. The teacher would have an opportunity to explain that situation. Then the board would make a decision, just as it does in all sorts of situations.

Mr. Meany: In a matter that comes to the board, a trustee would try to distinguish between the answering of the question and preaching. If the question is not sufficiently answered by saying, "As you may know or may not know, I am not a Catholic; I do not agree with that Catholic view," or, "I do not happen to agree," they would have the same rights to answer as any Catholic. However, if it went on from there, not merely to explain why but to use the opportunity

to preach one's own views contrary to what they knew as the ambience, there is a distinction there, and that should not be done. I do not know how you can legislate for that; I do not see how you can.

Mr. Davis: What we are trying to get out in the committee is the realities and the practicalities we are going to face when this situation occurs starting in September. If that teacher is one of those teachers off the protected list, my understanding is that you cannot terminate that teacher. However, if that position were taken by one of your own staff members who was not protected because of the coterminous relationship, you could terminate that teacher.

Mr. Meany: "Terminate" is a very strong word.

Mr. Davis: Discipline?

Mr. Meany: Yes. "Terminate" is used in many ways, from killing to—

Mr. Chairman: We will give you an opportunity. We will not kill you on the first offence.

Mr. Meany: I like to use precise words.

Mrs. Joyce: To add an optimistic note, I feel confident there is not any scenario that mutual respect and co-operation cannot resolve—respect for the conscience of the non-Catholic teachers and respect by the non-Catholic teachers for the nature of the Catholic schools. Section 235 asks them to inculcate respect for Judaeo-Christian principles; that should be respect for all principles. Our students are exposed to other religions. They take comparative religion courses. I am optimistic those will be resolved.

Mr. Chairman: What we are trying to point out in our questioning, and I will return to looking at the bill, is that in the same way as it is not possible to separate within the Catholic system between what goes on in religion class and the overall ambience, it is very difficult to say to a teacher who has values that the teacher must separate totally his lifestyle from his classroom. Those things tend to overlap as well. I think you are right; the answer in the long run is probably going to be that mutual respect will be the only way that is manageable.

Mr. Allen: Obviously the other commitments in section 235, "highest regard for truth, justice, humanity, benevolence," etc., do suggest what you say. It would be difficult to conceive of an education system that was devoted to those things wanting to preclude debate and discussion. An education system is not an instrument of propaganda; it is an instrument of discovery. Presumably your belief is that truth lies down the

road somewhere, but none of us has it totally. I would hope that would be what would prevail.

None the less, you will get to us with those guidelines and precedents you have that would be helpful to us in establishing this?

Mr. Duffey: Yes.

Mr. Allen: The only other point, and I could follow up on what Mr. Timbrell said with respect to consolidated boards, is that I would be interested in hearing whether you can conceive of some circumstances in a single-school community where virtually everybody is entrenched one way or another and whether it is possible that there are not some very substantial co-operative structures that virtually amount to an umbrella board, a unified board or a consolidated board, whatever you want to call it.

I will not ask you whether that is the case, but you did suggest local option was something you would be prepared to entertain in this respect. You seemed to suggest you were not prepared to accept a permissive clause. I would like to ask whether you are aware that to provide for local option it is necessary to have a permissive clause, since the whole Education Act is determined in terms of the legal capacity to set up one kind of board or another and the kinds of boards that are permitted now are public school boards and separate school boards.

There is no legislation that permits any other kind of board; so to have that local option it will be necessary to have a permissive clause of some kind in the legislation.

In those circumstances and in the light of your readiness to see local option, do you find the notion of a permissive clause offensive, if I can put it that way?

Mr. Duffey: You have hit on something that we have not taken any account of. We have not looked at that.

Mr. Allen: I do not want to prolong the time. Could you think about that and get something back to us that would be your considered response?

Mr. Duffey: Yes. We have asked that we might come back again to answer some of the questions we could not answer at this moment. It is our hope this committee will hear us further down the line, in September or whenever you are back in Toronto. We will then address those situations we are picking up here today.

Mr. Chairman: I am hoping that will be possible, although requests for double and triple attendances are going to cause us some real problems in terms of ever finishing our delibera-

tions. We may have to request that in some cases it be in writing or that we hold different kinds of meetings to get the information. I am not sure how bad our scheduling problems are going to be.

Mr. Duffey: If it is not possible for us to come back, we will get that information to your offices.

Mr. Chairman: As soon as we can, we will let you know how things are looking towards the end of September. At the moment, it looks as if we will be quite full with new representations, not necessarily second shots.

Mr. Allen: Are you aware that section 1361, on page 6, has been interpreted to us as including in principle displacement of elementary teachers? Although the bill addresses itself to the provision of secondary funding, on the other hand it also addresses itself to the impact of completion on the whole system, and the word "secondary" there is not used to qualify the displaced staff.

Mr. Duffey: I was not aware of the section. I did read the account of that in the local newspaper. As I have indicated this morning, fair and just causes do not start at the secondary level. We have no hesitation in saying that if there are displaced teachers in the elementary school system because of a shift in population of students, we are quite willing to address that situation, to look at that and to include that.

11:40 a.m.

Mr. Allen: Finally, with regard to student access, I think the observations made to date by Mr. Timbrell and the chairman—and it is reasonably clear to me—are that at least in your brief you appear to be saying something that goes beyond even subsection 136o(7), which reads, "A Roman Catholic school board may exempt from programs and courses of study in religious education any other pupil who is not a Roman Catholic." That provides the permission to do what you yourselves say on page 11 of your brief.

However, you say something more than that. You talk about pupils enrolled in separate schools who are not Roman Catholic. There is no qualifier here, as there is in your appendices, about unique circumstances or isolated communities or circumstances of that kind, where the choice is limited. This appears to be unqualified.

"Pupils who are not Roman Catholic, enrolled in separate secondary schools as a result of such arrangements, shall be exempted from religious instruction and classes by the separate school

board unless their parents request otherwise." Am I reading that correctly?

Mr. Duffey: That is correct.

Mr. Allen: You are prepared to see the section I cited in the bill even more liberally interpreted, if I can put it that way, than it appears to be even on the surface?

Mr. Duffey: That is right.

Mrs. Joyce: Perhaps you might want to clarify the question. It is my understanding you are reading it wrongly. It says, "as a result of such arrangements". We are talking about the arrangements in the previous paragraph. We are not deviating from the subsection in the bill.

Mr. Allen: I was scanning too quickly. I will go back and look at that paragraph.

Mrs. Joyce: We are talking about students who opt in because of programs.

Mr. Allen: It is because of programs, space, convenience, distances—all those factors of necessity?

Mrs. Joyce: Yes.

Mr. Allen: You are not modifying the other provision?

Mrs. Joyce: No.

Mr. Allen: I wanted to be clear about that.

Mr. Davis: I will try to be brief in the time remaining. I want to come back to the volunteer list you were talking about. Let us say 30 people volunteer to come across. Do you take all 30?

Mr. Duffey: It depends on the number on the designated list.

Mr. Davis: Let us say there are 38 on the designated list.

Mr. Duffey: If the public school system will release those people on to the designated list, we would have to take those people.

Mr. Davis: You would not want to interview those 30 people who have asked to come across and then select 15 of those 30?

Mr. Duffey: As I understand it, the situation is that if the designated list can be changed to add volunteers or to exchange volunteers on to the list, the same would apply so that they would be designated teachers.

Mr. Davis: That is not what I am saying. There are 30 people who volunteer to come across, and there are placements for 30 on the designated list. In your opinion, do you just accept those 30 as part of the designation, or would you want to interview those 30 and select out of them?

Mr. Duffey: We would not have that opportunity. That is not the way it would work, as I understand it. What would work is that those 30 people would be the designated teachers.

Mr. Davis: I am going to make an assumption that I know is very difficult. I understand you are speaking for the separate school trustees' associations across this province.

Mr. Duffey: That is correct.

Mr. Davis: Would all the trustees' associations agree—I am just using a number—that if 30 teachers in a geographical area volunteered to come to your system and there were placements for those 30 on the designated list, you would accept those 30 as part of that designated list without wanting to interview them.

Mr. Duffey: The designated teachers at the moment are not interviewed. If they were interviewed, the same rules would apply.

Mr. Davis: But they are not.

Mr. Duffey: Then the same rules would apply.

Mr. Davis: That is not what the members of the Metropolitan Separate School Board say.

Mr. Duffey: What do the members of the Metro board say?

Mr. Davis: The members of the Metro board say they would like to ask the public system for those who would like to volunteer to come across; they would then interview them and select from that group.

This is very important. If we are going to move to the volunteer selective process and allow volunteers to come forward—I still want to examine that—and if we allow interviews of those volunteers, then what happens is the separate school jurisdiction still is being selective in its process. I do not have any problems with that, except that under Bill 30 it is the public education system in this province that declares teachers redundant to the system because of the separate school extension. As I understand Bill 30, you have to take whatever teachers the public school declares redundant.

Mr. Meany: As I understand what we are talking about, this would all happen before we got into the picture. I take it that if there are volunteers, those volunteers are integrated into the designated list—they are substituted or whatever—before we come into it. What you are speaking about would then be law.

Mr. Davis: Maybe I am not making myself clear. I will try to do that.

Yesterday, for the second time, we heard the suggestion about the volunteer list coming forward not as a local option but as a change in the legislation. In the Metro discussion yesterday, they said they would like to talk to the coterminous board and ask for volunteers to come across. They left us with the impression that they would interview that group of people who volunteered. Let us say that 25 people volunteered and they selected 10 of those volunteers to come into the separate school but they did not take the other 15. That is 10 who would come off the selective list. That process still would allow you, the separate school entity, a selective process.

Bill 30 does not allow you a selective process. Bill 30 simply says that the coterminous public education board identifies those teachers who will lose their jobs because of the extension. They will be put on a list and, between the two of us, their job is protected, whether they transfer over or they hang in this funny pool that nobody knows what they are going to do in. But you have no selective process.

When I asked that question I heard you indicate to me that in your opinion you would take X number of volunteers, whatever it may be, provided they fit that designated list, and you would take them without the interviewing system.

Mr. Duffey: What we are asking for is an amendment to the present bill that would allow the volunteer teacher to become part of that designated list. That is what we are saying. We have said we would like that to happen. We are not going to argue about it if in your wisdom you see fit not to change that, to make the designated list stay as it is. We would like a change but we will not go to the wall on it. If the designated list can be changed to accommodate volunteer teachers, we will follow the same process as what the designated teachers—

Mr. Davis: I have no problems with that.

Mr. Duffey: That is our association.

Mr. Davis: Okay, then I hear what you are saying. That is fine.

Mr. Allen: Can Mr. Mitchell explain what they understand by the designated list and the degree of selectivity that goes on in that process?

The Vice-Chairman: Except that what Mr. Davis is getting at is, if volunteers are put on the list, are the separate boards committed to taking the volunteers or are they going to go through an interview process and be picky or be selective? Is that now what you are saying?

Mr. Davis: That is exactly what I am asking.

The Vice-Chairman: I do not think that question has been answered yet. We are talking about the case of an amendment to the legislation.

Mr. Davis: That is the area we still have to clarify. Thank you for trying to respond to it.

Mr. Duffey: That is our position. The volunteer teacher should be part of the designated list and treated as equal to a designated teacher.

Mr. Davis: I think one of your colleagues is having trouble with it. That is right, they are not unanimous on it.

Mr. Meany: May I make a comment on that? One has to identify what is totally desirable. If we all had everything we wanted, we would be perhaps totally happy but there would be differing degrees to which our desires would be reached and to which they would be granted. I do not think you can nail every problem down in advance. It has been my experience that it is wise not to do so.

Mr. Davis: I think this one we have to. We need to clarify it. There is no doubt in my mind that there is a diversity of opinion within your jurisdictions. I certainly agree that the volunteer list allows you to hire a number of teachers that will be declared surplus. The board wants to retain Catholic teachers by asking for volunteers, individuals who have the same kind of religious and moral viewpoint as you do. I understand that. The prescribed list does not allow you that and that needs to be clarified.

Mr. Meany: One more comment: In this democratic country we cannot guarantee total unanimity in our members in this organization any more than, let us say, in the secondary school teachers.

The Vice-Chairman: Or any of the political parties.

11:50 a.m.

Mrs. Joyce: I would just like to note that I recognize the problem you have when you are talking about the provincial pool of designated teachers and replacing them with the volunteer teachers, but at the local level there have been very amicable agreements. For example, the London and Middlesex County Roman Catholic Separate School Board and the London Board of Education and the Middlesex County Board of Education have a very liberal arrangement in terms of what you have described about hiring volunteer teachers. If you are going to legislate in this matter, you should differentiate between the

volunteers at the local level who replace redundant teachers and the volunteers on the province-wide designated list.

Mr. Davis: Let me carry it one step further and you will see what I am getting at. If the coterminous separate school board has the right to interview the volunteers, and in that group of 30 volunteers, or 10 or whatever it is, is a nonpractising Roman Catholic teacher who is an excellent math teacher and who has divorced and remarried outside the church, would you hire him?

Mrs. Joyce: According to Bill 30 we would hire him.

Mr. Davis: But under the process that was explained to us by the Metropolitan Separate School Board my hunch is—and we were not able to get it clarified—that board would like to take 10 out of the 20 volunteers and say no to the other 10.

Whether it is local or province-wide, if we are going to move to the volunteer system, either we have to have the legislation say that anybody who volunteers goes on the list and you take him or her, or we have to have the legislation say that people can volunteer but will not necessarily be selected. When you do that, you end-run Bill 30, which says any teacher who is designated must be hired. I think it is a problem.

I will jump or we will be on this for a long time.

Mr. Duffey: That is why they picked you wise people to handle it.

Mr. Davis: I do not know.

Could you tell me how many secondary schools existing right now are shared by the separate schools and the public boards across the province? Are there any?

Mrs. Anderson: We do not have any secondary schools sharing.

Mr. Davis: You are not sharing any buildings right now. Is there in this province already existing, other than in the public system, not legislated by government—a separate school and a public school operating in one building?

Mr. Meany: There have been. I remember one case in Metropolitan Toronto. Fairmount, I think.

Mr. Davis: That is not a secondary school, is it?

Mr. Meany: We do not have any.

Mr. Davis: So there are none?

Mr. Duffey: I do not believe so.

Mr. Davis: If you find one, let me know. That is important.

With all due respect to the minister, there is the suggestion that all this is going to work out. In the plans you have implemented for this coming year, I understand there is no transfer of buildings anywhere in the province. When, in your projections down the road, you move to the single secondary school in the small community, how many of those single schools will transfer from a public base to a separate school base?

Mr. Duffey: We cannot answer that.

Mr. Jackson: On the subject of transferring the facilities, there are several clauses in the legislation we are considering for amendment. I would appreciate some reaction on section 136x, which refers to the tribunal ruling on the transfer of property. It is all one way. It talks of transferring public facilities to the separate board.

Do you agree with the concept or, as separate school trustees, do you accept the notion that facilities should be exchanged in the light of a permissive clause which would allow for the transfer of a separate facility to the public board, should that situation or scenario present itself somewhere in the province?

Mr. Meany: We are speaking of public property and provisions exist now. This happens already. As a matter of fact, I think it is the law that if a facility becomes surplus, it must be offered to the other board or the council so that it stays as public property before it is sold off.

Mr. Jackson: In the context of Bill 30, you will have the planning and implementation commission coming into a community and mediating arrangements between two coterminous boards on the basis of which facility should be transferred and become the property of the other board. Do I understand correctly that you agree with the notion that this clause could be permissive to allow for the transfer of a separate school facility to a public board should that situation exist?

Mr. Meany: That this is a friendly local arrangement? Yes, unless I misunderstand, we would agree with that.

Mr. Jackson: Given that, there is also the further amendment that this committee is considering having to do with the issue of compensation. My question to you again, as trustees who have dealt with the whole issue of acquiring capital facilities, etc., and the problems inherent with both of us, having been a trustee for nine years myself, is whether you agree with the notion of compensation being brought back into

the legislation where the transfer of these facilities, where they exist, would require a form of compensation between the two boards.

Mr. Meany: You are getting into technical financial matters where I do not feel all that expert. There are such things as negative grants and complications that the ministry handles, but I do not think we object to the fair arrangements that are common and are the law. Mr. Duffey may be more competent to answer that question, but what you say sounds fair to me, although I do not instantly understand all the financial regulations of the ministry.

Mr. Duffey: The act would have to be changed from what it is at present, but the Catholic business officials of our Catholic schools will be presenting a brief to you, and I am sure they can handle that type of question for you. I am not an expert in the financing of the schools to the extent that I could answer that.

As has been mentioned, there are provisions now for transfers of facilities from one board to the other board and vice versa. The scenario that has to be followed is outlined. If it were deemed necessary to transfer buildings to the public school system, I would see no problem with that; but the financing of it, how it would work, and compensation would have to be worked out. The school might have something to do with it. Some of the schools were built by the federal government, some by local taxpayers and some by the provincial government. Some consideration would have to go into that. However, I am sure the finance people could answer that pretty well.

Mr. Jackson: I have a second question. Another area that may be amended is subsection 136(7), which refers to the exemption from taking the sacraments and religious instruction. I was pleased to hear Trustee Anderson's response, and I quote: "The conscience of the non-Catholic student will be respected." On the face of it, I expect that means any student whose conscience prevents him from participating in those two component parts of your program will be allowed an exemption. I hasten to add that you referred to it as being local in nature.

12 noon

Under the current bill, the debate is between the word "may" or "shall." Virtually every coterminous board in the province has taken a position on the "may" or "shall" issue. What I am asking is whether you would support the notion that where a separate board has agreed that it shall be open-ended, it shall be as simple as the student—or the parent, depending upon the age of the student—saying, "I wish to be exempt."

Where that case exists now, would you agree the legislation should protect that for the 10-year period? In other words, the board could not state today, as a condition of agreement, before the planning and implementation commission, to the plan that is approved by the minister, "We agree there shall be an open-ended exemption," and then one or two years later, when the plans are being presented to the commission, amend it?

Do you follow my question? Will the exemption that exists today exist for the full 10 years in those boards that have agreed to an open-ended exemption on access for the student—I am sorry, I should not use the words "access for the student"—on the issue of participating in those two programs?

Mrs. Anderson: This is a decision that is being made locally, though.

Mr. Jackson: Yes, that has already occurred in the agreements that have come in to the planning and implementation commission. If I were a representative of a board and we agreed that all students would be exempt—period, no questions asked, for those who wished to be exempt, those who transfer—what is to prevent a board, two years from now, saying, "Now we would like to restrict that"? We are creating an undue burden on the planning and implementation commission to act as a tribunal in this matter. I am concerned about a board changing its attitude once the legislation is in place and once the full funding has been implemented.

Mrs. Anderson: It struck me that the commission had quite a lot of power and a number of boards had to modify their original plans in order to get acceptance. It would appear to me that the commission is going to continue to be sitting for a number of years and that plans are going to be required to come into it on a regular basis. Therefore, it would also appear to me that they would have the authority, as at present, to expect that kind of consistency throughout the 10-year period.

Mr. Jackson: I understand you to suggest that you would not object to the legislation enforcing that consistency.

Mrs. Anderson: Within the power of the commission?

Mr. Jackson: No, within the power of the legislation. The legislation now has it at the discretion of the separate board. What I am saying is the boards have declared themselves and now they have the right to change their opinion, whether the planning and implementation commission agrees with them or not.

Mrs. Anderson: Are you talking about voluntary transfers or transfers where the student is—

Mr. Jackson: Where space is available, a student has chosen to go to the separate board and now says, "I would not like to take the sacraments and religious education," and your board or a specific separate board says, "You do not get in the door unless you agree to take these two programs."

Mrs. Joyce: The way I would like to answer that question is that, apart from the specifics, you already have protection in the legislation that if separate boards renege on their initial commitment, the minister approves the bylaw. The ministry over the next 10 years could disapprove the bylaw to allow us to operate secondary schools if we, in a very extravagant and obvious way, deviated from our original commitment. Apart from the constitutional questions and all the rest of it, if it were a true violation of our original commitment, the ministry would have full authority to disapprove the funding of that school. It is built into the legislation.

Mr. Offer: With respect to the student in a separate school, is there a code of ethics or conduct that you expect of a particular pupil in the separate school which may be different, less lenient or less tolerable than in a public school system?

Mr. Duffey: Yes, all schools, even schools in my own jurisdiction, have a code of ethics which varies from school to school. Perhaps it depends on the ethnic area of a particular school, whether there is a high number of single-parent families in that area, or something else. The code of ethics differs from one school to the other. However, the ministry indicated that every school would have a code of ethics and submit it to the ministry for approval. So I am not sure of the point of your question.

Mr. Offer: The first point was one of clarification. Second, in the event a non-Catholic

student was admitted to your school, and let us assume exempt from religious training, would he be subject to that general code of ethics in your school?

Mr. Duffey: I believe he would; it is just a similar situation reversed. When a Catholic student is in a public school, he has to abide by the code of ethics in that school. Those are the principal's rules, which have been approved by the board and the ministry. So the non-Catholic student coming into the Catholic school would then have to abide by the code of ethics.

Mr. Offer: As a follow-up—and this is a hypothetical case, of course—in the event the particular student going through the school was professing the lack of necessity of prayer or of religious training, in your opinion, could that be conduct injurious to the moral tone of the school and possibly result in suspension?

Mr. Duffey: I do not believe the suspension would happen if the child was a non-Catholic. There are questions in hypothetical cases that are very difficult to answer. Depending on the code of ethics, the child would have to follow the code of ethics that had been laid down by the principal of the particular school. That is about all I can say to the question. The situation would have to be solved locally. That board would have to make a decision, and I am sure when the case went before the board it would not be unanimous one way or the other.

The Vice-Chairman: There is no one else on my speakers' list so I would like to thank you very much for coming to the committee. You have been most helpful. We will resume at two o'clock.

Mr. Duffey: On behalf of the Ontario Separate School Trustees' Association, I want to thank the committee for seeing us again; it has been a pleasure to be here.

The committee recessed at 12:08 p.m.

CONTENTS**Tuesday, July 23, 1985**

| | |
|---|--------------|
| Education Amendment Act, Bill 30, Mr. Conway, recessed | S-203 |
| Recess | S-222 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
Davis, W. C. (Scarborough Centre PC)
Jackson, C. (Burlington South PC)
Johnston, R. F., Chairman (Scarborough West NDP)
Offer, S. (Mississauga North L)
Timbrell, D. R. (Don Mills PC)

From the Ontario Separate School Trustees' Association:

Anderson, R., Member, Ottawa Roman Catholic Separate School Board
Duffey, J., President, Frontenac-Lennox and Addington Roman Catholic Separate School Board
Joyce, M., Member, London and Middlesex Roman Catholic Separate School Board
Meany, P., Member, Dufferin-Peel Roman Catholic Separate School Board
Nyitrai, E., Executive Director





No. S-9

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Tuesday, July 23, 1985
Afternoon Sitting

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, July 23, 1985

The committee resumed at 2 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: We have a very full afternoon of hearings and an evening session as well. I would like to start as promptly as we can so we can give everybody as full an opportunity to make his case as possible and afford the committee time to ask questions.

THE COALITION FOR PUBLIC EDUCATION

Mr. Chairman: I am not sure which of you is going to take the lead. Mr. Skoutajan, perhaps you could introduce the others to the committee.

Mr. Skoutajan: Mr. Chairman, members of the committee, members of the media and all the others who are beyond those lenses, the Coalition for Public Education requested this opportunity to appear before the social development committee in order to raise our concerns about the principles, the manner of introduction and the content of Bill 30, the Education Amendment Act, and to express our resolute objection to them.

I would like to introduce the members of our group. On my right is Marilyn Rowe, past president of the Ontario Public School Trustees' Association. She is a school trustee of the Muskoka Board of Education and a constituent of Frank Miller's riding. She lives in Bracebridge, so she has come some distance to be here. She interrupted her holidays, as we all have.

On my left is George McClintock, who is the co-ordinator of our committee. He is the minister of Woodbine Avenue United Church, the president of the Canadian Institute of Religion and Gerontology, the past chairman of the board of the Christian-Jewish Dialogue of Toronto, the past president of the Eglinton-Lawrence Federal Liberal Association, a religious consultant to the curriculum department of the Toronto Board of Education, political philosophy, and until his retirement from teaching at Harbord Collegiate Institute in June 1984 an active member of the Ontario Secondary School Teachers' Federation.

He has not interrupted his holidays. He has come all the way from Scarborough. His church is in Mr. Timbrell's riding and he lives in Mr. Davis's riding.

At my extreme left is Stuart McEntyre, who is also a clergyman. He is minister of St. John's Presbyterian Church in Port Perry. Shortly after this meeting today he will be going to his summer home in Fort Frances. He is the chairman of the Ontario Intersynod Committee on Public and Private Education of the Presbyterian Church in Canada. He is a member of the Ecumenical Study Commission on Public Education in Ontario and a trustee on the Durham Board of Education.

I am Hanns Skoutajan. I am a minister of the United Church of Canada. My congregation is St. James Bond United Church, that very famous or infamous church, I suppose. I am the past president of the Toronto Conference of the United Church of Canada and the president of this coalition.

Our coalition represents the interests of church, community, teacher and trustee groups and came into being May 23, 1985, resolved to seek an immediate freeze on the implementation of any extension of full public funding to the separate school system beyond the present level; to seek to have the constitutional questions implicit in such a proposed extension referred to the appropriate court or courts; and to enter into dialogue with any and all who may be concerned about the future of public and all education in Ontario, no matter what their positions or views might be.

As a provincial coalition, our present membership includes, for all of Ontario, the Anglican Church, the Baptist Convention of Ontario and Quebec, the Presbyterian Church in Canada, the United Church of Canada, the Unitarian and Universalist Churches of Canada, the Ontario Public School Trustees' Association, Ontario New Democrats to Preserve Public Education and the Ontario Secondary School Teachers' Federation.

We have in addition a number of associate members and observer groups and we expect our membership will continue to grow. Local coalitions which share our purposes and include people of our provincial organization in their communities have been springing into being in

many parts of the province. Letters, such as the one we received this morning, and phone calls are all very concerned about what is going on. This one from Cambridge, Ontario, including a clipping from the paper, is a veritable plea that something be done before it is too late. Money has kept coming in to us, which indicates there are many people who may not belong to our member groups who none the less share our concerns and objectives.

Together we represent a very significant portion of the electorate of this province who believe we ought to have been consulted before the edict of June 12, 1984, was promulgated by former Premier William Davis. In the period leading up to the recent provincial election and during the election itself, many of us, I am afraid, felt we were political orphans. Very few in our parliament are sticking up for our concerns.

This democratic right was denied to us, and today we register before you our indignation at that fact. We further protest that our elected representatives and those who as candidates wished to be chosen by us for the most part absolutely refused to make the extension of full funding to the Roman Catholic separate secondary school system an election issue. We believe it should have been debated. We believe each one should be held publicly responsible and accountable for this subversion of democratic principle and practice.

After the tabling of the bill, I reported to the press that I believed we had put the political cart before the horse; and so it seems to be. However, we are very pleased we have this opportunity right now. I do believe from indications I have had that you people are seriously listening and are concerned about what we have to say and about the issues we are going to raise.

We believe the social development committee of the provincial Legislature itself, and above all the present government of Ontario, ought to demonstrate to the people of this province, to Canada and to the world at large that the spirit of democracy is yet strong and thriving in the institutions and processes of our country.

With great respect for the trust placed in you and with appreciation for the political complexities of the task entrusted to you, I think this is one of the most crucial of the issues our country faces from time to time. We sincerely hope and trust you will really try to listen to and understand the legitimate concerns of all the people and that you will weigh all their suggestions and recommendations, as well as their questions, with clarity and compassion.

We hope, too, that future generations of historians and citizens will be able to point back to the events of the summer and autumn of 1985 and the transactions of this committee, this Legislature and this government and say there was the time and place when decisive action was taken to save democracy by restoring public faith in participatory democracy as it is supposed to operate in the institutions and government of Ontario.

2:10 p.m.

The Coalition for Public Education is dedicated to the preservation of the public secondary school system in health, strength and excellence, and to its continued improvement as the very best means of providing high-quality education, freely accessible to all the people of Ontario.

In support of our objectives, we are for all measures that would lead to this end. We are strongly opposed to any and all measures that in our perception would or could lead to the weakening, fragmentation and dismantling of that system. We would like to record the fact that in the pursuit of our common objectives we are not against any individual or group as such, but we are prepared to protest and resist anything that would encroach upon the domain or the paramount position of public education in Ontario. We are not against, we are for; and we want to underline that.

In this submission we question and protest the historical assumptions leading to the necessity for the introduction of Bill 30, to its propriety and suitability as an instrument to help achieve the kind of Ontario we want in the future, to its equity under the Canadian Charter of Rights and Freedoms, to the propriety of the powers and responsibilities to be assigned to the Commission for Implementing Change in the Governance and Administration of Secondary Education in Ontario, and to the real immediate and long-term costs to the people of Ontario if and when Bill 30 is to be given third reading and implemented.

So that you may have a yet more precise sense of the direction and tenor of our submission, we would refer to a summary of suggestions we will place before you for your consideration. You will find this summary on page 5.

With respect and with the hope that if the social development committee finds merit in our suggestions and adopts them as recommendations, we suggest no further action will be taken to implement Bill 30, the Education Amendment Act, 1985, pending the accomplishment or completion of any or all of the following preliminary measures:

1. A provincial referendum or plebiscite on the acceptance or the rejection of Bill 30 and the extension of full funding to the Catholic separate school system at the secondary level, to be held in conjunction with the municipal and trustee elections in November 1985.

2. A provincial royal commission to report not later than 1988 on the philosophies which should shape and govern the forms and directions of education in Ontario, including the roles and models for public, separate and private education at the secondary school level in the final years of this century and into the 21st century. We are only 14 years away.

3. The question respecting individual rights and freedoms under the Canadian Charter of Rights and Freedoms resolved under court examination of Bill 30 and determined to be consistent with the same charter.

4. The entrenchment of a provision in the Canadian Charter of Rights and Freedoms to the effect that no religious group in Canada at any time, now or in the future, shall ever be able to establish itself as the official religion of Canada or any province, territory or part thereof.

5. Any criteria to be developed, evaluated and employed by the planning and implementation commission receive public scrutiny and approval at least by the provincial Legislature and after public debate before being applied.

6. There be a full public disclosure, accounting and debate of the projected costs of implementing Bill 30.

We are going to divide up our presentation. Items 1 and 6 will be addressed by Marilyn Rowe, items 3 and 5 by Stuart McEntyre, item 4 by George McClintock and item 2 by myself. We will take you through the complete brief and ask that such questions as you may wish to address be asked of us at the end and, if time does not permit today, in a subsequent appearance before this committee, which we have already requested but to date have not yet been granted.

I will now ask Ms. Rowe to present item 1.

Ms. Rowe: Mr. Chairman, members of the committee, the first part on which I would like to speak is the principles, processes and practices of democracy in Canadian-Ontario society.

There is a need to honour the democratic process in Ontario. Government in Canada and in Ontario rests on the will of the people and should be at all times responsive to the opinions of the citizens it exists to serve. It requires that in addition to periodic opportunities to vote and call one's elected representatives to account, an ongoing provision be made for dialogue, discus-

sion and deliberation between lawmakers and their public so governmental decisions may be adapted, albeit imperfectly, to the wishes of large numbers of citizens. It requires that the elected representatives be able to listen to the electors and to act in response to their perceived needs and concerns.

Implicit in the democratic processes are certain beliefs and traditions, including tolerance and due consideration for the opinions of others, freedom of discussion and criticism, freedom of belief, respect for law and order and a proper and adequate regard for the wishes of the various majority and minority groups which compose the population at any given time.

By permitting criticism, encouraging it and providing ways for its free expression, democratic governments try to ensure certain basic rights and privileges to all their citizens, whether they belong to a minority or a majority. Minorities one day become majorities and by the casting of votes have their turn at directing the course of their government and implementing their policies. Care must always be taken lest a successful minority deprive others of their rights.

Over their extensive history, Canada and Ontario have developed traditions and practices of government founded on the representation of the great bulk of the people. Representatives are duly elected to speak and act for groups of voters, along with representatives who have been elected by voters in other areas. They are also responsible to their electors in that they are finally accountable to them for their decisions and their actions.

During the recent election the people of Ontario were deprived of the right to call their representatives to account. This was because of the refusal of each of the three party leaders to concede that the decision to extend full public funding to the separate school system to the end of the secondary system should be an election issue. It should have been recognized as such, and as a very controversial issue as well, because of its potential to affect the future course of education in Ontario and the social and political practices which rest upon it.

The draft legislation of Bill 30, An Act to amend the Education Act, is now before this legislative committee. We now have government assurance that there will be full public discussion of it without the imposition of any arbitrary deadline, although our coalition has been granted only one of the three appearances we requested. We now have to ask whether our proposals and those of the many other groups also appearing

before you will really be considered and will make a difference in these proceedings and in the final shape and disposition of this legislation, or whether all the efforts of concerned people will turn out to be just an exercise in futility.

2:20 p.m.

We must ask about the real need and urgency for this legislation. We must ask why in Ontario today any one group should ask for the granting or extension of privileged status and consider it has a right to claim it. We must ask why it is considered appropriate to begin to fragment and dismantle the public secondary school system at this or at any time. We must question the manner and method of bringing about the significant changes which the passage of this legislation is almost certain to precipitate.

We are convinced it is necessary to try to stop what we perceive to be a costly and potentially destructive process before it is too late. Thus we would earnestly suggest, before anything further is done, that the citizens of Ontario be asked to exercise their democratic responsibility by responding to a suitably worded referendum or plebiscite concerning the propriety of changing the educational system of Ontario through the extension of funding to the separate school system at the secondary level; that the referendum or plebiscite be held throughout Ontario, in every municipality where there are municipal and trustee elections on the stated date of November 1985; and, furthermore, that third reading of Bill 30, as it is now or as it may be amended at that time, be delayed until the results of said referendum or plebiscite have been published, with the understanding and agreement that if there is not majority support the bill must be withdrawn.

Mr. Skoutajan: Our second section has to do with the vision of the future for Ontario and Canada, and the role of public education in its fulfilment.

The preamble to Bill 30 raises some fundamental questions about the vision of Canada and Ontario which may have been held in common by the Fathers of Confederation in 1867. A careful reading of section 93 of the British North America Act, a practical political compromise at that time, does not appear to provide much justification for the statement that "it is just and proper and in accordance with the spirit of the guarantees given in 1867 to bring the provisions of the law respecting Roman Catholic separate schools into harmony with the provisions of the law respecting public elementary and separate schools, by providing legislative recognition and

funding for secondary education by Roman Catholic separate schools."

Is this the incontrovertible vision to which they consented at that time? Did they then consent to a progressive funding of Roman Catholic separate schools to the end of the secondary school system? There seems to be nothing in the original wording to suggest some kind of long-range intention which expressed in effect that by the year 1985 there shall be full funding of the Roman Catholic separate schools up to and including the completion of full secondary education.

We may well ask whether future historically minded politicians will discover a similar intention about post-secondary education, even up to post-doctoral studies, some time around the year 2085 or thereabouts, theretofore concealed and only then to be revealed to some perceptive political seer. It would appear to be the part of wisdom at this time to try to ascertain whether there may yet develop a common vision, supported by the great majority, if not by all, of the citizens of Ontario, which may best help to realize our hopes and our dreams for the future education of young and old Canadians alike within Ontario.

About 50 years ago, the Canadian poet Wilson MacDonald set forth a prophetic vision of what the future might and should yet become in his poem "The Song of the New Communities." Here is part of what he had to say about education and educational opportunity:

And the youths, who now so unevenly
Start in the race of life, shall toe in a line
together;
And privilege will come to none or to all,
And knowledge will not be whispered in
favoured ears
But from the housetops will it gladly speak.

This is surely an expression of the ideal role for public education, committed to the belief that all human beings are equal in dignity and rights, with equal rights and opportunities for all in a public school system open to all. Public education represents a gateway of opportunity for students of all abilities, regardless of sex, race, religion or socioeconomic background, and best fosters the tolerance, mutual understanding and respect for one another that are essential to the maintenance of a democratic society.

We believe Ontario has a public secondary school system second to none. I have two children, a son and a daughter, who have gone through the entire system, and I know whereof I speak. We want to preserve that system. Despite

the real problems that exist, we believe Ontario has an excellent model for public secondary education that merits our continued and increased support rather than being fragmented and dismantled. There are examples of such dismantling in other countries.

In 1867 it might have been almost correct to assume that most of Ontario was at least nominally Christian and could be separated into Protestant and Roman Catholic for purposes of education. This is certainly not the case today, and any attempt to link the public education system with mainly Protestant interests—by the way, this word "Protestant" is a rather irrelevant word; it may be historically important, having come out of the Reformation, but it includes many different denominations that have quite big differences from one another—however they may be defined, does not take account of the multicultural, multiracial and multireligious population of Ontario or of Ontario's public education system in 1985.

The Metropolitan Toronto School Board, in the area it serves today, brings together in its classrooms and in its communities people, students and parents, teachers and administrators, custodians and many others from a wealth of diversified faith backgrounds and seeks to build bridges of understanding and co-operation between them.

I came to Toronto in 1942. I remember several occasions in those days when my mother and I were riding on the streetcar and she was speaking my native language to me, German. We were tapped on the shoulder and told, "Speak English." That is unheard of today, and unthinkable. You hear every conceivable language on our streetcars and in public places. This is an entirely different country today.

The Board of Education for the City of Toronto publishes a set of Readings and Prayers for Use in Toronto Schools, with selections in both English and French, representing the religious traditions of the community in the Toronto public school system. Included in its contents are materials representative of the faiths of Baha'is, Buddhists, Christians—Orthodox, Protestants and Roman Catholics were consulted—Confucianists, Hindus, Muslims, Jews, North American native Indians, secular humanists, Sikhs and Zoroastrians. Representatives of these faith groups were brought together and worked together to produce materials for school use which were and continue to be acceptable to all of them.

Religious bigotry and prejudice are well on their way out of the Toronto system; and we would venture to say out of most, if not all, of the public secondary schools in the province and in Canada, at least in the days and years ahead.

We believe schools ought to be a place for education, but not for evangelism. There is a very important distinction that has to be made between education and evangelism. Once upon a time, I taught a religious course in a public school. I gave it up. I discovered one of the other teachers, another minister, was not so much teaching the content of the faith as he was evangelizing the students; from then on I lost interest in continuing to teach in that kind of system. I believe schools are for education, for coming to understand the content of various religions and their position in the history of humankind; but not for evangelism, for changing someone to a particular, different religious view.

2:30 p.m.

We must agree with the portion of then-Premier William Davis's statement to the Ontario Legislature on June 12, 1984, regarding elementary and secondary school funding in Ontario that observes the following:

"Since the beginning of our parliamentary democracy, freedom and therefore diversity and pluralism, have been fundamental values. Our public school has always been fundamentally important and our commitment in this regard must not be diminished.

"The strength of Ontario's educational heritage rests on the general merit and value of a universally accessible, publicly supported school system."

Accordingly, we would suggest the government of Ontario establish a royal commission to study the philosophies which should shape and govern the forms and directions of education within the province, including the roles and models for public, separate and private education at the secondary level in the final years of this century and into the 21st century; that the said royal commission should be required to deliver its final report not later than December 21, 1988; and that all and any action to change the educational funding conventions in operation with respect to the funding of the separate secondary schools or schools of any other sectarian or private jurisdiction not included in the public secondary school system before June 12, 1984, be postponed until after the final report of this commission, with its recommendations having been approved by the people of Ontario.

I am going to ask Stuart to deal with section 3, which you will find on page 15.

Mr. McEntyre: In section 3 of our brief, I would like to address the Charter of Rights and Freedoms and the constitution.

The entrenchment of the Canadian Charter of Rights and Freedoms in the patriated Constitution Act, 1982, has three sections that have a particular bearing on the questions of right which Bill 30 raises. We will attempt to raise only a few samples of them here. These sections, which concern fundamental freedoms, equality rights and rights respecting certain schools preserved, state:

Section 2. "Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief and opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.

Section 15. "(1) Every individual is equal before and under the law and has the right of equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

"(2) Subsection 1 does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups, including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

Section 29. "Nothing in this charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools."

We believe the public school system functions in accordance with sections 2 and 15 above. We do see its interests and the interests of the majority of people in Ontario encroached upon if section 29 should be interpreted as an encouragement and an invitation to grant full public funding to any alternative system, without at the same time requiring full accessibility to all members of the public to programs, employment and promotion, without any discrimination whatsoever guaranteed under section 15, and would regard it as absolutely repugnant to the true spirit of Canada as we sense it to be now.

We are grateful that we have not been given the question the Attorney General (Mr. Scott) has handed to the court regarding whether there exists anything in Bill 30 that is or may be

inconsistent with the Canadian Charter of Rights and Freedoms. However, through you, the legislative committee, we wish to express and convey to the appropriate parties, whoever they may be, some of the questions that occur to us on the subject of rights.

How, for example, should subsection 15(2) be applied in the case of someone such as a student who may be obliged by circumstance to function within a separate, denominational or dissentient school and who may find himself or herself disadvantaged by reason of religion? What remedy exists for a person of another faith deprived of employment or opportunity for promotion in one of the above schools or school systems because disadvantaged by reason of religion?

Surely the questions related to right of access to education or employment and promotional opportunities in fully publicly funded denominational, separate or dissentient schools are inadequately and not perfectly reciprocally dealt with in Bill 30, in sections 136l and 136o especially. Practically, the public school has no absolute right to exclude while the separate school system, to be fully publicly funded, would clearly retain the right to exclude those whom it would not be convenient, for whatever reason, for it to place.

A student under subsection 136o(6) who is not a Roman Catholic shall be exempted from programs and courses of study in religious education under certain specified conditions, and under subsection 7 may be exempted from the same at the discretion and pleasure of the Roman Catholic school board concerned. However, like it or not, he or she is submerged within the prevailing ethos of the system day by day, an ethos that clearly has its own mission, without other remedy than to move to where there may be open access to a public secondary school.

In view of the above samples, in which direction or directions shall individual rights go in the future? That is a fundamental question. Will the rights of individuals and small groups over against the majority or large group rights be enhanced in the future, or will they be abrogated or derogated? At the time of the British North America Act, 1867, or again with the Constitution Act, 1982, was it really the intention of the Parliament of Canada to enhance the status of one religious group over against all others and to enshrine or entrench such privileged status in the Charter of Rights? The words of the Honourable Jean Chrétien to the House of Commons on

February 17, 1981, convey a much more positive impression.

"We have the occasion...to build for our children and the children of our children a better Canada—a Canada which will recognize the diversity and equality which should be in our society, a Canada which will protect the weakest in society...a Canada which will be an example to the world."

2:40 p.m.

We would therefore respectfully suggest that until the questions respecting individual rights and freedoms under the Canadian Charter of Rights and Freedoms have been satisfactorily resolved under court examination of Bill 30, and it has been determined to be consistent with the same charter, that no government action of any kind be undertaken to extend full public funding to the separate secondary school system.

Mr. Skoutajan: Section 4 on page 18 will be dealt with by George McClintock, who is the co-ordinator of our committee.

Mr. McClintock: I would like to deal very briefly with questions of justice and equity as they relate to publicly funded education.

An historical review of Canadian society and its institutions will provide many examples of evolutionary developments. One may observe the disappearance of a number of practices and customs after they had outlived their usefulness or after improved means for supplying their functions came into being. Now we ask whether accommodation to human perversity, considered necessary in 1867, should be entailed from generation to generation in perpetuity and the dead hand of the past be allowed to keep an oppressive grip upon the future.

As James Russell Lowell observed:

"New occasions teach new duties; time makes
ancient good uncouth;

They must upward still, and onward, who
would keep abreast of Truth."

The historical trend in education has been to make it increasingly accessible to the public on the basis of publicly funded educational systems. This has been true in Ontario. However, there has not been much effort to make denominational, separate or dissentient schools anything more than they have been, until the present time when one particular religious elite has apparently been singled out for preferential treatment. The long-term results of this are likely to create many more problems in the area of rights, equity and social justice than they are claimed to solve in the

preamble to Bill 30 and in much of the rhetoric designed to justify its introduction.

If the separate schools are to be entitled to full public funding, what principles in equity can possibly be produced to show cause why all other private, denominational or dissentient schools have not, under section 15 of the Canadian Charter of Rights and Freedoms, equally supportable and just claims upon the public purse for full public funding? Each such claim met would have the long-term effect of reducing our vitally important public secondary school system to one that, through the sapping of its resources in people, money and materials, would in time languish away to a barely viable—I think it is important to note the distinction between viability, which simply means it is capable of living, and vitality, which means it is living well—and even moribund shadow of what it is today.

States that have gone the route of fragmenting their public school systems through the full funding of parochial, denominational and private schools have learned to their cost that their public schools deteriorate to little more than pathetic receptacles for the poor souls who for social or economic reasons have no place else to go. What guarantees would Bill 30 provide that this could never possibly be allowed to happen in Ontario? There are none that we can identify in it and we would urge that there certainly ought to be some.

Another cause for concern is the implication which this legislation, perhaps unrecognized by its drafters, has for the deterioration of relationships between different faiths and denominations and between different religious groups and the state.

The invidious comments and comparisons which have been surfacing since the action proposed in Bill 30 was first bruited, although unfortunately not mooted until now, have not been doing anything positive to promote inter-faith or ecumenical dialogue and co-operation. Rather they have been rendering the corporate climate, in which during recent years fine progress has been made, considerably less clement. We fear this legislation has components, which if put into law would in the long run prove destructive to the harmony and understanding we are trying to build. Surely it would be tragic to move our multicultural relations back to what and where they were at the turn of the last century. Even then it was inaccurate to say the people of Canada were divided into only two groups, Roman Catholic and Protestant.

It is informative, and we believe relevant at this point, to refer to Walter Tarnopolsky's

discussion, in *The Canadian Bill of Rights*, second revised edition of 1975, of the concept of religious freedom which existed in Canada immediately prior to the passing of the Canadian Bill of Rights by the Diefenbaker government. He quoted Mr. Justice Ritchie's reference to two earlier judgements in the Supreme Court of Canada, quoting from each. One was a statement by the then Justice Taschereau in *Chaput versus Romain*:

"Dans notre pays, il n'existe pas de religion d'Etat. Personne n'est tenu d'adhérer à une croyance quelconque. Toutes les religions sont sur un pied d'égalité, et tous les catholiques comme d'ailleurs tous les protestants, les juifs, ou les autres adhérents des diverses dénominations religieuses, ont la plus entière liberté de penser comme ils le désirent. La conscience de chacun est une affaire personnelle, et l'affaire de nul autre. Il serait désolant de penser qu'une majorité puisse imposer ses vues religieuses une minorité."

The other comment referred to by Mr. Justice Ritchie was Mr. Justice Rand's summary of religious freedom in Canada given in *Saumur versus City of Quebec*.

"From 1760 therefore, to the present moment, religious freedom has, in our legal system, been recognized as a principle of fundamental character; and although we have nothing in the nature of an established church, that the untrammelled affirmations of religious belief and its propagation, personal or institutional, remain as of the greatest constitutional significance throughout the Dominion, is unquestionable."

Tarnopolsky also observed that: "In the field of education, Canadian courts have held that parents cannot withhold their children from schools on religious grounds. Where special provision for denominational schools does not include a particular sect or religion then the children must attend a public school. Where, however, the only school in a district requires religious observances of a particular faith, and parents of another religion insist in sending their children to that school they have a right to do so. In that case they will not be required, as a condition of attendance, to observe the religious exercises of the majority."

If the statements made in the above quotation based on *Perepolkin et al versus Superintendent of Child Welfare, B.C. 1958*, *Rex et rel Brooks versus Ulmer, Alberta 1923*, *Rex versus Hilderbrand, Rex versus Doerksen, Manitoba 1919*, and *Chabot versus School Commissioners of Lamorandière and Attorney General for Quebec*,

Quebec 1958, still hold in the laws of Canada, then once again subsections 136o(6), (7) and (8) would appear possibly to be in contravention of the established legal precedents of Canadian law and thus in need of amendment.

2:50 p.m.

There remains the much larger question of the propriety of the government of Ontario, by this legislation, placing one select group of citizens of this province in such a potentially permanently privileged position, compared with all others, at general public expense and at the expense of those many other citizens who are not accorded identical rights.

We suggest, therefore, that the government of Ontario initiate steps, without delay, to seek to have the Canadian Charter of Rights and Freedoms amended to include the provision that no religious group in Canada at any time, now or in the future, shall ever be permitted to establish itself as the official religion of Canada or any province, territory or part thereof; that the appropriate section of the said Charter of Rights and Freedoms be amended accordingly, perhaps by an amendment to section 2(a) of the Charter; and, furthermore, pending the entrenchment of such an amendment in the charter, that no action be taken to extend full public funding to any denominational, separate or dissentient schools in Ontario.

Mr. McEntyre: The fifth portion of our brief encompasses the subject of the powers and responsibilities to be vested in the planning and implementation commission. Among the questions begged in Bill 30 are those that have to do with criteria. A flagrant example leaps out of subsection 136a(3) where, in the last two lines, there appears the assertion "will promote the best interests of public education in Ontario."

It implies that the "best interests of public education in Ontario" are well known and commonly agreed upon by public consensus, that they have been spelled out and promulgated and that no one of any account disagrees with them. Such an unwarranted assumption needs to be called into question. I am glad you agree, Mr. Chairman.

A careful rereading of the same article brings into focus that the setting and evaluating of the criteria to be used have been assigned to the planning and implementation commission. Subsections 136s(1), (3) and (4) and subsections 136v(1) and (2) provide further instances where the setting of criteria has been left to this body.

Surely a disproportionately large amount of discretionary power and authority has been

assigned to this commission which is an appointed body and not directly responsible to the public. They have been assigned a very heavy work load and a very great responsibility and we trust that they, their heirs and successors in the commission, will try to do their own best, whatever they deem it to be.

Without prejudice to any of them, none the less we suggest that any criteria to be developed, evaluated and employed by the planning and implementation commission, or any other party of comparable function charged with the responsibility, receive public scrutiny and approval at least by the provincial Legislature and after public debate, and be established as regulations before being applied; and that until such criteria be duly established, there be no further action to give third reading to Bill 30.

Ms. Rowe: Section 6 on page 23 of the brief deals with predictable and unpredictable costs. Since the proposal to extend full funding to the Roman Catholic separate secondary school system was first announced on June 12, 1984, there has been a consistent reticence on the part of the government or the Ministry of Education to divulge or discuss the true estimated costs, either for the first year or over the long haul into the 21st century. This, too, we find most disturbing.

Recalling the knavery of medieval fairs, we are constrained to repeat the old warning proverbs: "Don't buy a pig a poke; don't let them pull the wool over your eyes." No one has yet actually let the cat out of the bag, but those who have peeked say that instead of the pricey little \$40-million kitten we were first promised, there lurks a voracious, resource-eating tiger which will cost many times as much to buy, even before we have to start paying for its keep. Surely by now it should have been possible to provide us with a responsible projection of the estimated costs of the implementation, at least in monetary terms, and the probable effect on our local mill rates.

We realize the intangible costs will be much more complicated to assess as we try to contemplate some of the more likely effects upon the fabric of our social structures and the damage that might potentially be inflicted upon our public school system and ultimately Canadian society at large. The late Premier John Robarts's warning to the Legislative Assembly as recorded in the record of debates, February 21, 1963, is still timely and unlikely to go out of date. I quote:

"The duplication of facilities from a financial point of view is not only impractical but impossible. I do not believe that this problem can

be oversimplified. One very good reason is that our society simply has not enough wealth to support a dual system beyond the elementary level, or a multid denominational system at any level. From an educational point of view as well, it would lead only to a lesser degree of excellence of instruction as a result of poor facilities, small concentration of students and, thus, less diversification of courses and the necessity of spreading our teachers over a wider and wider area."

The excellence of public education at the secondary level is the fruit of dedicated effort and expensive public funding over a very long period of time. It is a rich heritage that is not ours to discard but rather ours to cherish and protect, and to transmit strong, healthy and constantly growing in excellence to all who come after us in Ontario.

We therefore suggest there be full public disclosure, discussion and debate concerning the full costs of implementing Bill 30 before any final decision is made to give it third reading. We implore you to preserve public education.

Mr. Skoutajan: In conclusion, we have expressed six of our major concerns about Bill 30. We could add others if time permitted but we wish to provide a little time to respond to some of your questions. We believe we have demonstrated good and sufficient reasons for caution and delay. We believe we have provided you with a number of suggestions of merit to offer some remedies for the restoration of the democratic process. We hope, after due reflection, you may resolve to include most, if not all of them, in your recommendations to the Ontario Legislature and to the government. We urge that political principle prevail over political expediency.

If we have not yet provided you with sufficient reasons to make clear to you our misgivings about and objections to Bill 30 as it now stands, in closing we address the following six questions to you, and through you to the government and the people of the whole province. With each of them we provide our own answers, brief and to the point.

1. Is the extension of full public funding to the separate secondary schools right? We reply no, because we feel it is contrary to the basis of Canada today and from now on, to the Canadian Charter of Rights and Freedoms.

3 p.m.

2. Is this extension legal and is it constitutional? We reply no, not until it has been so determined by the highest court of Ontario and of Canada.

3. Is it mandatory and legally required by the provisions of the British North America Act and by the patriated Canadian Constitution of 1982? We reply no, not until it has been so determined by the courts. Should that happen, we urge that action be taken to remove all exemptions or exclusions under section 29 of the Canadian Charter of Rights and Freedoms.

4. Will it cost more than we have been told? We reply yes. There are many indications that what has been disclosed so far is but the tip of the iceberg.

5. Will it improve or impair the educational opportunities for all students? We reply that it will most likely harm them.

Yesterday, someone who spoke to you asked if you would have two fire departments, two of this or two of that in the province. That was very much to the point. The resulting duplication of systems will inevitably lead to the reduction of funding available to each. Programs will have to be reduced in variety and in quality. Some programs to provide extra support for children with special needs would have to be eliminated. Perhaps most detrimental of all in the long run will be the tendency to establish at public expense two educational solitudes where our children will be kept apart from one another during their most formative years.

Would it not be much healthier for them to learn to live and work together in harmony, at least during secondary school if they cannot during the elementary school years? We want all Canadians to come to know, understand and respect each other, no matter what differences there may be between us. It seems to us a healthy public school system is the very best way to accomplish this with young Canadians of all ages, from kindergarten to at least age 90, learning together.

6. Should one denominational school or school system be singled out from all others and granted full public funding at the expense of all the people of Ontario, while keeping the privilege to teach, to employ and to promote only those whom it chooses? Again, we reply no, not now nor ever in the future.

It would not be fair to the public schools or to all the other denominational, dissident or private schools. It would be utter folly, especially if so recklessly extending preferential treatment to one system for sectarian reasons would lead to the eventual detriment, deterioration, dismantling, or even ultimate destruction, of the excellent public school educational system we now enjoy.

Gentlemen, please preserve public education.

Mr. Chairman: Thank you, Mr. Skoutajan, and the others for a very full, literate brief, expressing your very strong concerns about the proposed legislation we are here to discuss. I am very glad you were able to come and present it to us today.

Mr. Epp: I appreciate the brief you presented to this committee, but I have some concern about some of your thoughts expressed in the brief. They have been voiced by other members of the committee and reaffirmed here on a number of occasions. They question the democratic right of this Legislature to pass the bill at second reading.

All of us know we went through an election during which time this was an issue. I think most of the 375 or so candidates who ran supported the extension of full funding to separate schools. I see this almost as a case where people do not necessarily agree with the outcome and, therefore, they question the legitimacy of that particular piece of legislation. I do not recall that there were other groups in front of this committee or other committees that have questioned this Legislature for passing bills, for first having second reading and then sending them to committee. I was wondering what your response was to that.

I notice that you want a referendum, but it is not the habit or the custom of the Ontario Legislature to have referendums on issues which may or may not be controversial.

Mr. Skoutajan: Mr. Epp, thank you for your question. As I have said, I feel I am a political orphan. The people of Ontario did not have a choice. They had a choice of parties on many other issues and chose from that, but all the other people running in the election espoused this one particular matter. The public did not have a choice. A party that would espouse our particular point of view was not apparent. There were some individuals running who did speak for this particular point. So now we have a Legislature from which I personally feel orphaned.

Mr. McClintock wants to make an addition, I believe.

Mr. McClintock: Yes. I think, Mr. Epp, ladies and gentlemen, it was pointed out in our brief, and it has been pointed out on a number of occasions, that during the recently completed provincial election there was an absolute refusal on the part of the leader, who also apparently laid a restraining injunction on all his candidates, to discuss the matter of the propriety or the expedience and desirability of full public funding to the separate secondary schools. I think some of

the frustration that was engendered at that point has come together to help form this coalition.

Mr. Skoutajan: I believe Mr. McEntyre would like to add to the question, if you do not mind.

Mr. McEntyre: It seems to me it is clear to the public of Ontario that the three political parties coalesced on the issue, coalesced so that there could not be full public discussion during the election period. That is why this coalition has been formed, a coalition which on page 2 shows you a great number of people.

In one sense, why the question has been raised is beside the point. The real concern of this coalition is the preservation of the public school system as we now know it and the enhancement of that system. That is our real concern. We ask the Legislature and each member of the Legislature to pause, to think about what is being done and then to think about the future, to think about what history might say about this particular period in time.

Mr. Skoutajan: May I give the lady the last word?

Ms. Rowe: I feel, and we as a coalition feel, the people of this province have to have an opportunity to voice their opinion on this issue. We also feel there is not a political party in this province that has a mandate to proceed with this legislation.

The Progressive Conservative Party felt it had a mandate, but I think that on May 2 of this year the electorate in a very solid way spoke very loudly and said: "You do not have a mandate." I know I speak for people who either did not vote or voted for a different party from the one they would usually have voted for. The government now in power assumes it has a mandate, but it does not. The people have to have a chance to be asked to voice their opinion on whether they support this dynamic change in education and in our society.

3:10 p.m.

Mr. Epp: If I may, I would like to comment on two or three of the points that were raised here. I know other members of the committee may have questions.

First of all, as you can appreciate, since the three leaders had agreed in principle on the extension of full funding, you could not have expected one of them would try to make it a major issue in a campaign. If three or four of you get together and you agree on a point, why should you be debating back and forth the fact that you agree with that particular principle or point? You

cannot expect them to make a big election issue of something they agree on. I think that particular response, that they were in agreement with the principle, is a good clarification of why there was not a great debate on it by the leaders.

Second, there was no restraint order on me as a candidate in this campaign not to discuss it. In fact, whenever it was raised, I did discuss it in the campaign and I let the people know where I stood on it. I do not know of any restraint order. There was none on me, and I do not know of any restraint order on any candidate by any leader.

Mr. Chairman: It has not been put on since either, has it, Herb?

Mr. Epp: I do not think the parties were coerced or that there was a restraint order. The fact that the various candidates agreed with it in principle is probably the reason there was not a lot of a discussion. If there had been other candidates who very dynamically disagreed with it, then there might have been more discussion.

Mr. Chairman: I am not sure it is particularly fruitful to have this kind of a debate on the principle, but if you would like to respond, please do.

Mr. Skoutajan: I want to add that I do not know who you people were listening to, but the people we heard and the sounds we heard were quite different from what you people must have heard. Certainly all of you ran to be elected, but in one all-candidates meeting I attended in Eglinton, I think four out of six of the questions that were asked were on this matter—

Mr. Chairman: In most ridings, I think.

Mr. Skoutajan: —and they were negative to it.

Mr. Epp: Let me go on to another matter. One of the aspects you raise here is that you fear the fragmentation and the dismantling of the public education system. I am just wondering whether you feel the system is not strong enough to withstand full funding to the separate school system, to encounter the dismantling and fragmentation of it. I know you obviously sincerely believe that, but I am just wondering why you feel it is going to be dismantled and fragmented. I understand there will be some areas where that may happen, but I am talking about the system in its entirety rather than in some small municipality.

Mr. Skoutajan: May I ask a former teacher to answer that particular question on dismantling?

Mr. McClintock: I am going to bring forward a statement that was made to me by one of our callers very recently. He was expressing concern

about a certain municipality where at present there is one school available to all people. It is a small school. The smaller the school, the less public money available in grants for different programs and all the rest that goes with it.

There is a potential in that community for the division of that school into a public school and a separate school. At the same time, there is not provision for a great increase of students to either group. We will say the 500 students are going to be split into two groups of 250 each, and that means a resultant reduction in programs available on either side.

Over a longer period we can see this sort of thing happening in many areas in different ways, because the number of programs that can be offered, the kinds of facilities that are there, will have to be split up and fractioned into different smaller groups. We also see the possibility of other schools saying, "Under the Charter of Rights we should have a share in this too." You will be dividing the educational-money pie into smaller and smaller sections. I think the general quality is going to go down.

Mr. Skoutajan: Marilyn, do you want to respond as well?

Ms. Rowe: Yes, I do. Mr. Epp, I believe the public school system is sound and it is excellent; there is no question of that. The problem is going to be financial resources. I have been a trustee sitting on a school board for 11 years. Each year in the spring of the year we wrestle with the budget and we look at the increased mill rate we are going to have to pass on to the taxpayers. I know in some boards within the last few years money has been so tight they have actually gone through the Education Act to see what is mandatory and to look at all those areas, including kindergarten, which are not mandatory, to see if they can afford them.

If we receive less funding, budget time is going to be absolutely an impossibility. Also, in smaller areas where there are small secondary schools, as there are in my area, it takes just a small percentage of students to transfer from a school to make it either not viable to operate or, if the board does choose to keep that school, very costly.

Combined with being costly, it becomes impossible to offer all the course options we would like and sometimes almost impossible to offer the mandatory subjects. Therefore, it breaks down into the dollars we may lose and the students we will lose from our already small secondary schools.

Mr. Skoutajan: Stuart, do you want to comment on this?

Mr. McEntyre: Just to pick up a point from Marilyn, but also to address another facet, Mr. Epp, the Durham Board of Education had to cut out of its budget \$5 million in excellent programming. No school board receives the funds now which are needed to provide what parents rightfully expect. But there is another dimension that needs to be considered, and I will be—

Mr. Epp: Let me just clarify this. The \$5 million that was cut out was cut out irrespective of the extending of full funding. That was another thing.

Mr. McEntyre: I was just talking about dollars.

Mr. Epp: Yes. I just wanted to clarify it.

Mr. McEntyre: The other issue really has to do, I suppose, with the fact that if one denomination in Canada, one religious group, secures full funding, then we have this spectrum of other groups coming forward and demanding the very same thing. You asked, "Is the public school system strong enough to withstand that?" I believe history in the United States has proven that is not so. No public school system could be strong enough to withstand that if it becomes the case.

I will be appearing before this committee on two more occasions in September with the Ecumenical Study Commission and the Presbyterian Church in Canada. There is a tremendous concern about that kind of fracturing which is inevitably going to come forward if this Legislature and you as legislators permit legitimate groups coming forward to say, "We want a portable tax dollar and we want to create our own systems."

The children will not get a better education. There are all kinds of reasons to state why they will not. Many of the reasons are in this brief. They have come before you, I am sure, to date; and will continue to come.

Mr. Chairman: Mr. Epp, can I move along to other questions and put you back on rotation?

Mr. Epp: Yes.

Mr. Chairman: I have a number of people who want to get in and I would like to spread it around a bit if I might.

3:20 p.m.

Mr. Timbrell: This brief raises a number of good points for our consideration, such as the implications for the single-school communities,

a subject that has already been discussed at some length here and I am sure will be discussed throughout the three months of hearings; the role of the planning and implementation commission now and in the future, a subject I touched on in my remarks in the Legislature and in this committee, that role versus the role of the minister and the ministry; and concerns about maintenance of the quality and the viability of the public education system, something I agree has to be spoken to more clearly than has been the case.

I must take issue, though, with some of the points you make. I suppose it is part of the public lobbying process that one has to be a little provocative and perhaps even go a little too far in some of the statements, such as talking about dismantling or ultimately destroying the public education system and about taking us back to the turn of the century in terms of our multicultural or interdenominational relations. However, I think you overstate your case and may hurt it a bit when you use such language.

Along with Mr. Epp, I have to take issue with your stated view that parliament and the democratic process have somehow been damaged throughout the piece. In my constituency, which Rev. McEntyre knows well from his days there and which Rev. McClintock is getting to know since he took over from Rev. Wilkes, this subject was and still is discussed at great length. It came up repeatedly in the recent election campaign, at all-candidates' meetings and at many of the doors I knocked on throughout those five weeks.

I stated my position and my concerns about how the policy was to be implemented. I had previously stated them as a candidate for the leadership of my party, and I have stated them at this committee. People knew where I stood. They had the same opportunity to question my opponents, one of whom, by the way, did oppose the principle. He happened to be the candidate of a rather small fringe political organization, the only one running from that group in the province. None the less, he did oppose it and made it well known, and he got about 1,300 votes accordingly.

While it is unique in my experience around here for the political parties to agree on a principle, except on passing motions of condolence or congratulations for significant national or international events, I do not think that of itself is destructive of the political process. I have the same concern about your expression of opinion as I do about those who think, now that the bill has been approved in principle by the House, that

some of us do not have the right to question the provisions of the bill or to probe for better ways of meeting the objectives of the bill and of the principle the three parties support.

I can assure you that in the next two and a half to three months, or however long it takes for us to carry out these public hearings and then to debate the bill, we will deal with your concerns about the preservation of the public education system, your concerns about fairness and equity between the two systems and among the participants in them, your concerns about what this means for other educational systems—and you know there is a report soon to be released on that subject—and your concerns about the cost of education. There is yet another report due on that subject this fall. In fact, your royal commission idea has already been attended to in many ways. All those things are going to be kept in mind, albeit the 11 members of the committee support the principle.

I suspect on a few subjects at least we are going to have some pretty heated debates on how to implement the principle. Your input, while I take issue with some of the ways you expressed it, is none the less extremely helpful.

Mr. Skoutajan: Mr. Timbrell, I am not quite sure what your question is.

Mr. Timbrell: It is not a question; it is a statement.

Mr. Skoutajan: However, all the members on my panel are eager to respond to your question.

Mr. Timbrell: Whatever it was.

Mr. Skoutajan: I want to add something. As you began, it touched a very deep concern I have as I meet people, which is a growing cynicism about the political process. That is a very dangerous thing. One of the reasons for that attitude growing among the public is the fact that they do not feel legislators listen to them after they are elected.

Mr. Timbrell: Does anyone remember Edmund Burke well enough to quote? I was just a history teacher, but that has been a concern in civilized society as long as there has been one. The fact is that none of us skirted the issue. None of us was gagged by our party leaders, I can assure you; at least not on this issue.

We could debate that question for a long time. I have been in this House for 14 years, I am in my fifth term, and I feel the process in Ontario today, in terms of accessibility and means of garnering public input, is even more responsive than it was when I came here.

I accept that ultimately I am accountable for how I vote and what I do. If I do not vote the way

the majority of the good burghers of Don Mills want, they will turf me out of here. I accept that responsibility and that role very seriously.

Ms. Rowe: I would like to respond. We appreciate the chance to appear before the committee and to make our case known, but we wish this might have happened prior to June 12, 1984. We feel the cart came rather before the horse.

I would like to quote part of the presentation the public school directors of education made to the planning and implementation commission. They stated:

"We, as directors of public boards of education, question why other types of legislation—for example, Bill 82, Ontario Schools, Intermediate and Senior Divisions, governance of French language schools—afforded ample opportunity for consultation before the major change was announced."

They are supporting our point. We are thankful we have the chance. We would have liked it prior to June 12, 1984.

Mr. McClintock: It was a miraculous coincidence that all parties and almost every member agreed. However, the question remains as to whether the people who elected them as their representatives feel they were consulted or had an opportunity to call their former or present members to account on this issue.

That is the reason we are asking and hoping you will consider the possibility of a referendum. It might not actually be as costly or as hard on any individual member or party as a provincial election, but it would give a chance to the people of Ontario, of whom we have every reason to believe we are representing a significant proportion, who say, "This is not what we want."

If you can put this question without prejudice to your positions as members of the provincial Legislature—a question related to the propriety of putting forward this legislation—it would be an instructive experience for the people of Ontario and for you. Maybe they would all say, "Yes, you are doing the right thing." However, we have strong reasons to believe the reply would be very different. That is why we are asking this as the very first step.

Mr. Timbrell: The suggestion of a plebiscite has been raised on a number of occasions in my years in politics. I just say again that in putting myself forward five times in the Legislature—six, if you include my municipal experience—the fundamental thing about that process is saying, "I accept the responsibility for my actions on your behalf." With that goes the responsibility to

consult, to listen, to be available and accessible, all those things; but ultimately I will accept your judgement on what I have done in my own constituency.

Just to repeat something I said yesterday, I take one of the things that happened as an indication of lack of support for this policy to be the fact that a very large number of my supporters whom we had identified throughout the course of the campaign, 20 per cent, stayed home.

Mr. Allen: I want to say in the first instance that every issue deserves the fullest possible debate and discussion. I am delighted the coalition is before us this afternoon and has given so much time and reflection to the question and has prepared a very lengthy brief, which makes quite a number of points that are worth thinking about at some length.

I do not think any of us is prepared to slight any representation that is concerned principally with the processes of democracy, the welfare of public education, the pursuit of justice and equity and the need for legislation that is consistent with broad consensus in the public mind. All those things are critical and important, and you have raised them all for us. We are in debt to anybody who does that for us.

On the other side of the question, I am not convinced that phrasing issues in apocalyptic terms, which sometimes echoes through your document, necessarily furthers all those objectives. I would want to raise some question on the assumptions about our political process in Ontario which appear to cast legislatures in a parliamentary system in the role of delegates as distinct from representatives; delegates being given a bill of goods to enact and representatives being entrusted with the authority to act on behalf of the public according to their best thoughts and best reflections over a period of time.

My personal response to the question of where the debate has been, where it has come from and whether it has been permitted to happen in this particular issue is that I know we in this province have had more than a century of discussion on this subject one way and another. In listening to you and in listening to the debate, I guess I have not heard very many new arguments. That leads me to wonder about the significance of saying that somehow we were not permitted to have our say.

Like other members in the context of the past election, I ran against a candidate who was running specifically as a public school teacher representative who opposed what came forward as Bill 30. The question was raised at every

all-candidates' meeting, and he addressed it and so did I. If you had used an applause meter at the all-candidates' meetings, you would have been surprised at who got more applause.

I have one or two questions. First, I would like to ask Mr. McClintock what authority he refers to for an interpretation of the education provisions of the British North America Act that would describe them as an accommodation to human perversity.

3:30 p.m.

Mr. McClintock: The accommodation to human perversity was a well-known fact at that time, as recorded in history. Also, I recently had occasion to read two articles in a magazine called *Grail*, one by Kenneth Westhues and the other by Gerald Stortz, a Roman Catholic scholar, who said the main reasons were not educational or religious, but political, to get the people of Ontario and Quebec into bed together and keep them there. It was felt this was one of the ways it could be done, first to make viable the Canada Act of 1840, which was to bring Upper Canada and Lower Canada together. That is where we can trace the first provisions for separate school funding.

As Canada developed in its different ways, the major political entities at the time of Confederation were seen to be what are now the provinces of Quebec and Ontario; they had the greatest bulk of the population. In Ontario, to the eye of a politician, it was largely Protestant with a relatively small Catholic group. Quebec was just the reserve: a very large Catholic group that happened to be French-speaking; and a relatively small one, probably 15 per cent, that was not French and not Roman Catholic, that they called Protestant.

There were accommodations made to both sets of religions, and right from the time of the British North America Act there were religious accommodations for political reasons. Without taking a great deal of the committee's time, I could say "perversity" might be a little strong, but it still represents the reality of strong, selfish, human interests, many of them political ones, that were the real reasons.

Mr. Allen: In other words, you are saying either it was perverse for us to engage in those accommodations which brought Canada into existence or there was something perverse about the institutions that preceded and became part of the accommodation. Which perversity are you telling us about, and why is there something essentially perverse about it?

Mr. McClintock: You will forgive the Augustinian reference, but I am simply referring to the strain of original sin in each of us.

Mr. Allen: As a Protestant who subscribes to the doctrine, I recognize the necessity of accommodating that from time to time. None the less, I am not sure one would want to say the specific accommodation that was made with regard to one group in that process, for example, was any less or more sinful than those that were made with respect to another. All were given the same right by law under the British North America Act. Be that as it may, it was an interesting approach to the Constitution I had not heard and I wanted to explore it with you.

3:40 p.m.

Second, with respect to the question of the necessity of an amendment to the Charter of Rights to provide for a statement declaring that Canada will never have an established religion, it is an interesting idea. Could I ask Mr. Skoutajan whether that is not abundantly provided for at the moment? How could one conceivably have a charter that declared a fundamental freedom was that of religion and at the same time think that somehow it left any implication there might some day be an official religion in this state?

Mr. Skoutajan: This is why you are testing it before the courts, to find out whether this particular bill is doing that kind of thing, whether it is setting up a religious education system that favours one particular group and, therefore, is undermining that very constitutional point.

Mr. Allen: That judgement will satisfy you, rather than the necessity of an amendment to the charter? Why is the amendment necessary?

Mr. McClintock: I think it might be well to draw to the attention of the committee there is in the Canadian Charter of Rights and Freedoms no prescription against the establishment of any religious body. Historically, while in the constitutions of Australia and the United States of America there are such prescriptions against, in Canadian tradition, its polity and law, there is nothing that states specifically that such establishment cannot or may not take place.

Mr. Allen: Do you have a legal opinion to that effect; that it is not implicit in the statement of a fundamental freedom of religious belief?

Mr. McClintock: I would again refer to the professor of law, as he was when he wrote this, Walter Tarnopolsky.

Mr. Allen: That is not in there.

Mr. McClintock: If, by extension, we start extending particular privileges to one group over

against other groups, and that group may grow in power vis-à-vis the rest of the polity, there is always the temptation that this group, as it gains more and more privilege, will want the power that goes with that privilege.

Is it out of the question to say that unless, by extension, someone belongs to a particular group one cannot therefore hold public office? It did happen in Great Britain back in the 18th century, for example. You could not hold public office and you could not attend university unless you were prepared to subscribe to the 39 articles of the Church of England. Do we want that sort of thing brought back into Canada at some time in the future?

Mr. Allen: I think the answer is obvious, but I rest my case. The implication in the charter is already clear.

Mr. Davis: I like the 39 articles.

Mr. Allen: You like the 39 articles? Excuse me, Rev. Davis.

Mr. Skoutajan: Is it not incumbent upon the Legislature to wait and hear what the court has to say before it goes ahead and takes that step?

Mr. Allen: No, it is not incumbent. Those references to law, constitutional references, take place all the time, alongside, before and after legislation. It is not incumbent. It is a matter of practice and you can do it or not, depending upon the significance you attach to it.

Mr. Skoutajan: When you have such a very important question that is going to implement or fulfil a system, as some would like to say, you are going to start something that is going to have tremendous consequences if you are going to try to unravel this. If the constitutional referral says no, you are going to have one awful time unravelling that.

Mr. Chairman: Including grades 9 and 10, I would remind you as well. I would like to move things along, if I can.

Mr. Allen: Yes, my last question was to Marilyn Rowe. You referred to the question of costs and the point has been made quite frequently in the whole discussion that Ontario is incapable of funding two systems completely. For the moment, I will let go the question that we already fund 12 years of Catholic education in some places, from junior kindergarten to grade 10, and that we are adding only two years.

How can one really maintain that in the light of the fact that, compared to the other nine provinces, Ontario spends a smaller percentage of its gross provincial product on education than is the case with the average across the country? In

turn, how can one argue when the provincial government, compared to the other provinces, spends as a whole in all of its public expenditures only about two thirds of the proportion of the gross provincial product in public expenditures?

Ms. Rowe: I think the point you are making is answered by saying that if people were willing to pay more money for education there would not be a problem. However, as a trustee who sits and establishes a budget and realizes the impact it is going to have on the local tax bill, I could not raise it any higher than we have done in past years.

Mr. Allen: Are there no other ways of financing education? For example, did not the province at one point provide 60 per cent of support for education costs as distinct from about 46.7 per cent now?

Ms. Rowe: Yes, it did.

Mr. Allen: So those are adjustable questions and the overall wealth of the province is surely not in question.

Ms. Rowe: I beg your pardon.

Mr. Allen: I said the wealth of the province, in terms of its capacity to perform its obligation to education systems, surely is not in question in your mind.

Ms. Rowe: I guess I heard you; I was rather astounded at the statement.

I am aware there was a 60-40 commitment called the Edmonton commitment and it has depreciated so the municipalities are picking up the larger share. Since the greater percentage of our ratepayers now do not have pupils in the school system, they have been most understanding and tolerant of the fact that the largest percentage of their taxes went for education because they understood the reasons. We cannot push them much further.

Interjection: Nor should you.

Ms. Rowe: Although the area I come from is very rich in assessment, the majority of the actual people who live there earn below the poverty line. When we start putting people out of their homes, we are going to have to reckon with them. I have looked at the ministry document you people have looked at. The costing that is given to us is fine as far as it has gone, but there is a long way to go. It has just touched the tip of the iceberg. We are looking at a monumental cost.

Mr. Davis: I would like to thank the delegation for its brief. I note they raised some areas of concern that I think will provoke our

committee to investigate a little deeper. One is finance; there is no doubt about it.

The other is the definition of "best interest of public education in Ontario." I cannot wait until we get to that discussion. I am looking forward to it with great glee. I would like to thank my learned colleague for the history lesson. I wonder whether we can move quickly. I would like to ask you two simple questions.

In Bill 30, subsection 136l(19) states that, "The Roman Catholic school board shall not discriminate on the basis of creed." I was wondering whether you would like to express to me and the committee your understanding of the word "creed."

Mr. Skoutajan: What is meant there is whether they are Roman Catholic or non-Roman Catholic. What has been set forth is that the Roman Catholic separate secondary system shall accept all, provided there is space. However, the public system has no such constraints. The public system has to accept anyone and everyone, and if there is no space it has to make space. As far as the separate system is concerned, if there is space is a big "if," a big question.

Mr. Davis: One of the questions we have been debating is the significance of the word "creed." Your understanding is that the word "creed" is a specific denominational entity based on faith.

Mr. Skoutajan: Yes; I would say so.

3:50 p.m.

Mr. Davis: We have a problem of "lifestyle" as well and we are looking to see whether the word "creed" is the appropriate word or whether there should be another, more appropriate word.

The second question is, understanding the ethos of the separate school system and understanding the ethos of Christian schools, do you think it appropriate that a student who makes application to go to a separate school, who is not covered under the particular exemption clauses related in Bill 30, should have the automatic right to say, "I do not wish to take the religious education program?"

Mr. McEntyre: They or their parents or guardians; yes.

Mr. Davis: Do you think that would be detrimental to the ethos of a separate school or even of a Christian school that was operating?

Mr. McEntyre: You get to the heart of whether education is going to be liberal or coercive. It has to do with philosophy of education.

Ms. Rowe: Perhaps I could respond to Mr. Davis. You will be seeing some of us again, representing different groups.

Mr. Davis: Do they come here three or four times?

Ms. Rowe: At that time I know that my association, the Ontario Public School Trustees' Association, will go into those areas in depth, as will the other people represented. We did not actually go into the specific parts of the legislation.

Mr. Davis: I recognize where the lay thrust will be. I was asking my colleagues to define it for me in their understanding of the preservation of the separate school ethos or the Christian school ethos. They answered as I expected them to answer.

Mr. Jackson: I would assume your original presentation to the planning and implementation commission was substantively the same as this presentation.

Mr. McClintock: For the record, we have not appeared before the planning and implementation commission. The coalition came into being just this May.

Mr. Jackson: Given that, I do not wish to analyse your comments and play them back to you at this point. What I was hoping to do was to focus on the two issues you have raised that I think can be of benefit to the committee in its task of amending a piece of legislation that is in front of it. Those two issues specifically have to do with the powers of the planning and implementation commission and costs.

I wonder whether you would be able—of course not today—to bring more focus to the analysis of those two areas and get that information back to this committee. You referred to the fact you are hoping to return before the committee. Given the breadth of your representation as set out in the brief, I think it would be appropriate if you can bring more focus to those two areas.

I try not to let my personal views be known on the committee—

Mr. Davis: We have noticed that.

Mr. Jackson: —but they are well known to the minister, who I wish had been here today.

Mr. Chairman: He has been here.

Mr. Jackson: At the moment he is not here. I had hoped we could have engaged him in some repartee on this issue of the very wide-sweeping powers of the planning and implementation commission. I have raised them in the House. I am hopeful you could also analyse the powers of the tribunal, as it fits into the legislation, where there are no local publicly elected, publicly accountable individuals involved with the deci-

sion making and bringing the regulations into the House for approval. I had hoped you could help the committee by providing more focus on those. I, for one, am looking for that.

Mr. Chairman: I apologize for the noise behind you. I have never seen such a hunger for knowledge in my life. It is quite impressive.

Mr. McClintock: In response to Mr. Jackson's request, with respect, I think if this committee would care to address a series of written questions to our coalition, we would be delighted to appear before it again with detailed responses, for example, to the questions you have raised and the questions Mr. Davis has raised. It may be that we could be of some help to you and we would be delighted so to do.

We had asked for an opportunity to deal with the substance of the brief itself at some later date when you return from your trip through the province, and we hope you may be able to give that request some consideration.

Mr. Chairman: We will definitely be giving it consideration. We will come to that at the end of the presentation.

Mr. D. W. Smith: As I listen to everyone—and I was one who had to campaign as well—I do not know whether it was as big an issue in my riding as some of the rest, but I think the issue was the way it was handled in the first place. To me people said that it was dropped on them like a bombshell. I gather from what you are saying that is the way it hit you as well.

Do you think that providing full funding to the Catholic separate school board will eventually lead to the consolidation of the two boards? Is this what you felt in the first place or am I taking you down another path you did not want to go down?

Mr. Skoutajan: Are you suggesting there be unified boards?

Mr. D. W. Smith: I am not suggesting anything; I am just asking. When you first saw these documents that had come forward—Bill 30 is the only one that has been made public, is it not?

Mr. Chairman: The rest of the drafts are now available.

Mr. D. W. Smith: I believe Bill 30 was the only document that you had to see. Did you believe that when funding was to be given to the separate school board it would eventually bring everybody together, and the way you see it now is that it is possibly going to segregate?

Mr. Skoutajan: No, I did not see it that way at all.

Mr. McEntyre: The Presbyterians back in 1982 were studying the issues, and we were thinking in terms of an umbrella board system to meet the needs of both the Roman Catholic community and some legitimate private schools. When the Presbyterian committee comes before you we will be addressing that.

Ms. Rowe: The Ontario Public School Trustees' Association has been on record since 1971 as preferring a unified school system. As to our thoughts on June 12, 1984 and the days after that, they were ones of betrayal of a trust. I still do not know to this day that we really know the reasoning behind the actual decision on June 12, and I really do not think anyone but the former Premier could answer that question.

Mr. Chairman: We are considering calling him before the committee just to find out what was in his mind that day, but I have not as yet approached the steering committee on that.

Did you have any other questions, Mr. Smith?

Mr. D. W. Smith: No.

Mr. Chairman: Thank you very much for coming before us. We appreciate it a great deal. These two hours have gone very quickly. The question of how many times we are going to be able to accommodate overall coalitions and large associations is a question the steering committee is trying to deal with. Reverend McClintock suggested an approach we might take. As we are driving by bus around the province or whatever we are doing, we might gather the questions that seem to be key as we move around and then send them back out to some of the umbrella groups to get their responses, either in written form or in terms of another presentation. I am just guessing that would be what the steering committee will try to do. It is nice to see some of you again whom I have not seen for many years. I appreciate the time you have taken to come before us.

Mr. Skoutajan: Thank you and your committee very much for what I felt was a very good discussion. Your questions indicated your sincere concern. We wish you well as you go on your tour of the province. We hope you enjoy yourselves and read many briefs. Enjoy yourselves generally.

Mr. Epp: I just wanted to say that if the media continue to increase their interest in these particular hearings, it will soon be time for us to leave so they can have the whole room to themselves.

Mr. Chairman: That is right. We may have to put in some camera platforms. No, I do not think

we should complain. Committees have not often had much focus. Thank you very much.

4 p.m.

LOYAL ORANGE ASSOCIATION IN ONTARIO

Mr. Chairman: The next deputants are from the Loyal Orange Association in Ontario. Would you come forward now and take your seats, please. They are all warmed up and ready for you. I wonder if we could try to get some order as quickly as we can. There is always this great shifting of bodies as the various deputations come forward and it takes a minute or two for things to settle out.

The representatives of the Loyal Orange Association are Dominic Di Stasi and Norm Ritchie; at least that is who I have before me. Please identify yourselves to the committee and then start on your brief any way you would like to present it to us.

Mr. Di Stasi: Thank you, Mr. Chairman and members of the committee. My name is Dominic Di Stasi, past grand master of the Grand Orange Lodge of Ontario, representing and the spokesman for our organization. This is Norman Ritchie, who is the grand secretary of the Grand Orange Lodge of Canada.

Our brief is not as lengthy as the other one was. The Orange Lodge's position is well known in this province and it has not changed much in the years we have been in existence. We would like to reiterate a lot of the things we have said before and bring them to the attention of the committee at these sittings.

For over 100 years the Loyal Orange Association in Ontario has strongly supported a public nonsectarian school system in this province. It believes such a system can best be charged with the responsibility of providing a common education for all the children of Ontario, regardless of race, creed or colour.

The public school system in Ontario is one of the finest in Canada and it creates the necessary environment for children to grow and build their futures together. We cannot conscientiously subscribe to the principle that the school is the place for denominational and doctrinal teaching. We believe, as many others do, that the responsibility for providing adequate religious instruction lies within the home and church and that these two institutions should not expect the schools to accept the responsibility that rightly belongs to them.

Over the years the Loyal Orange Association has made numerous presentations to various

governments, expressing its opposition to any moves that may tend to weaken or threaten the public school system. It has vigorously opposed any additional public funding for the Roman Catholic separate school system whenever it believed such proposed taxation would go far beyond that guaranteed in the old British North America Act. The association does not support the segregation of children on either racial or religious grounds and takes a dim view of any further extended government funding for such an endeavour.

The Loyal Orange Association in Ontario, on behalf of its 45,000 members, felt obligated to make yet another presentation here today in defence of the public schools and their supporters. We view with great alarm the fact that all three political parties in Ontario have endorsed the full funding of Roman Catholic separate schools, which many view as political expediency at the expense of the public purse. We believe full funding of Roman Catholic schools places the provincial government in the precarious position of promoting religious discrimination against those not of the Roman Catholic persuasion.

The people of Ontario currently enjoy a long-standing and deep-rooted principle that church and state should remain separate and independent of each other. The principle of freedom and equality for all religious faiths has prompted governments in most democracies to reject the practice of granting public funds for the support of separate or private schools.

In the United States the first amendment to the Constitution prohibits the use of public funds for the support of parochial schools in that country. Some provinces in Canada support separate schools out of public funds. There are others that do not. In Newfoundland, for example, there were at one time five school systems operated by the major religious denominations in that province. It seems strange, at least to us, that while Newfoundland has been trying to amalgamate the school systems in that province as a progressive step, there is a movement in Ontario on the part of some to promote a multi-school system which we suggest can do no other than fragment the great public school system instituted by Egerton Ryerson in Ontario.

The use of public funds to extend the parochial education of one church violates the principle of separation of church and state and its spirit. It poses potential dangers to the future of religious freedom in this province. No one should be forced to pay taxes to support another's religion.

There are many other religious and private schools throughout Ontario, which no doubt would welcome public financial support for their programs. How then can a responsible government, which is supposed to be representative of all the people, take steps to fully fund the schools of one religious group and at the same time deny it to others?

The Loyal Orange Association views this kind of discrimination as unfair, unjust and immoral. It is of the opinion that the full funding of Roman Catholic separate schools leaves the door open for others to request their fair share of the tax dollar too. If that were to occur, the public school system as we know it would be fragmented beyond recognition and repair.

While we sympathize with those who bear the heavy financial burden of supporting the school system they have opted to send their children to, other than the public, we believe the province's taxpayers should not be penalized because a certain proportion of the population chooses to take another route. They should instead recognize their choice has a price they must pay if they wish to send their children to be educated in schools other than public.

History reminds us of the public outcry in 1936 over Premier Hepburn's infamous Bill 138, entitled An Act to amend the Assessment Act, which sought to secure corporation tax privileges for Roman Catholic separate schools and which it was found necessary to repeal the following year. It is of interest to note that the Ontario foundation tax plan, which was instituted in 1964, featured corporation tax adjustments which take into account the fact that impersonal corporations cannot direct their tax support to the schools the way family-owned businesses can. That meant the corporation tax adjustment to a separate school board provided funds equal to the sum it would receive if corporate assessments were split the same way as elementary and secondary school enrolment.

When the Ontario foundation tax plan was first introduced, it was estimated that an additional \$50 million would be available to separate schools. At that time, press reports indicated that grants to separate schools increased to \$54 million, which was provided from the corporation tax revenues. It would seem that Roman Catholic separate schools have not been satisfied, and indeed will never be satisfied, with such additional revenue.

In 1966 the Ontario Separate School Trustees' Association presented a brief to the Premier in which it called for changes in the Ontario

foundation tax plan. The demand then was for another \$26.5 million, claiming that this amount was necessary in order to bring the separate schools up to par with the public school system. We believe, as many do, it was never intended that the separate schools should be on a parity with the public schools, and no mention of this parity is made in the Separate School Act of 1863.

4:10 p.m.

In 1962 the Roman Catholic Bishops of Ontario requested, among other things, that the Ontario government provide for the extension of the separate school system to grade 13 and that public tax dollars be used to educate Roman Catholic children from grades 1 to 13. A similar request was made to the Hall-Dennis Committee on the Aims and Objectives of Education in Ontario. The same demands were made again in 1968.

Roman Catholics will never be satisfied until they have full control of their education by establishing publicly supported separate high schools, academic and vocational, a voice in the matters of curriculum, programs of study, textbooks and the establishment of Catholic teachers' colleges. That will be the next request. To all these demands, the Orangemen in this province are strongly opposed.

There seems to be some controversy about the cost of funding Roman Catholic high schools to the end of grade 13. When making his announcement in the Legislature last June, former Premier William Davis estimated the cost to fully fund the Roman Catholic schools would be \$40 million for each of grades 11, 12 and 13. As taxpayers we have now learned, since the legislation on full funding was tabled and according to statements made by the Minister of Education (Mr. Conway), the cost has risen to \$80 million for the first year, or grade 11, \$130 million for the second year, or grade 12, and \$150 million every year thereafter.

It is interesting to note that at a public meeting in 1971 when the same issue of full funding of Roman Catholic schools was before us—during the election campaign when the then Premier, William Davis, said no to the extension of funding—Mr. Nixon, who was the Liberal leader at that time, said the cost of extending full funding would be approximately \$20 million. The New Democratic Party in its publication Financial Crisis in the Catholic High Schools placed the figure then at \$16 million.

In 1966 the Ontario Separate School Trustees' Association estimated the cost at \$26.5 million.

Dr. Charles Phillips, a former director of the Ontario Institute for Studies in Education, in a well-documented article placed the figure at \$110 million. Perhaps he may have been the closest at that time, and we are talking in terms of 1971 dollars.

Do we know what the real financial implications of funding Roman Catholic schools to the end of grade 13 will be? The Loyal Orange Association of Ontario and thousands of other Ontario taxpayers view these tremendous extra costs with great concern and they stand diametrically opposed to using public funds in the propagation of Roman Catholicism via its separate school system.

We find it necessary to recall the statements made by former Premier John Robarts in 1964 with reference to the extension of Roman Catholic separate schools. He said:

"The financial implications of such an idea are frightening. The difficulties which the Roman Catholic minorities are having in financing elementary schools, and which we are planning to rectify with the grant system which I have outlined, would be magnified many times over by the extension of the separate school system into our secondary schools, both academic and vocational, our teachers' colleges and our universities. The duplication of facilities, from a provincial point of view, is not only impractical but impossible."

The Loyal Orange Association is most concerned with that portion of Bill 30 which proposes that the funding legislation cut off unconditional access by permitting both Catholic and public boards to admit students from each other's school system according to the availability of space. Such a change is indeed a major one and, for the first time in Ontario's history, the government proposes to impose a legislated limit on access to the public secondary system. As a result of such action, there may very well arise situations in which students would be denied access to both school systems, which places them in a state of limbo.

We believe this to be a backward step and that it should be mandatory for both school systems to accept all students who make application for enrolment, thus retaining the current policy as practised in the public school system. Therefore, we recommend the space condition be dropped from the bill.

We believe the trend today is to a nonsectarian public school system. We have noted with considerable interest the increasing number of letter writers in the press who are opposed to the

full funding of Roman Catholic schools in this province.

The public school was established on the principle that the state should provide facilities for the education of all its children. Based on this principle, it was organized as an educational institute to be supported by all taxpayers and open to all children on equal terms. It was equally for rich and poor, Jew and gentile, Roman Catholic and Protestant. No child can be refused admission and there is no teaching that will offend the religious beliefs of any reasonable person.

The Loyal Orange Association strongly supports the principle that public tax dollars are for public schools and no citizen should have to pay taxes in order to promote another's religion. Parents who desire to have their children educated in private or separate schools should be prepared to pay for them and should not expect the Ontario government to bail them out when financial difficulties prevail.

For the government to assist in the segregation of children along religious lines is a backward step. It should not be tolerated by fair-minded Ontarians in this 20th century, particularly when a large number of religious leaders appear to be actively engaged in promoting the spirit of ecumenism. Such discrimination would hardly be allowed in the work place. There seems to be no reasonable explanation for allowing it in our schools, where children are often vulnerable and form opinions based on what they see and hear, some of which might not be favourable to promoting goodwill and unity among our citizens.

In our opinion, the operation of two distinct, competing school systems is divisive and gives impetus to segregation, which we believe to be wrong.

I also want to point out that there is a movement afoot to promote a third school system in this province along French linguistic lines. There was the report that was given to the Premier two years ago by those responsible for the governance of the French-language school systems, who now want to control the French schools from grade 1 to grade 13. If we are to give in at this time, I am sure we will be looking at another, third system in this province. There will be a Catholic system, a Protestant system and a French system. That is exactly what will be coming along down the line. They will be asking for a third school system. We cannot afford three systems; we cannot even afford two.

Separating children through their formative years by placing them in different educational systems suggests they are different from one another.

The public school system is a hard-won public institution. If it is fractured by extending full funding to Roman Catholic schools to the end of grade 13, expenditures on education will rise and the quality of education in the public and secondary schools will suffer.

We believe the damage to the public school system is too high a price to pay for the cost of extending full funding to the Roman Catholic schools in Ontario. We strongly and respectfully suggest, therefore, that a new look and a new attitude be taken in this matter, keeping in mind that the trend today is ecumenical and in support of a nonsectarian public school system, antidiscrimination laws and a growing opposition to all forms of segregation.

In conclusion, we reiterate our time-honoured motto, "Equal rights to all and special privileges for none." We trust this committee in its deliberations will keep in mind that all citizens should be treated as being equal and that no one or any group should be granted special privileges, no matter what the cause may be.

Mr. Chairman: I thank Mr. Di Stasi for taking the time to come and present his brief to us. The members have now had a good chance to read it and they have been led through it. Do you have any questions? I have nobody on the list at this point. I know you are a reticent group.

4:20 p.m.

Mr. Offer: I thank you for the Loyal Orange Association's response in this document. I have a couple of questions. The first is with respect to what is found on the first page. It says, "We cannot conscientiously subscribe to the principle that the school is the place for denominational and doctrinal teaching." By this, do I take it to mean you support the ending of funding to separate schools from elementary school?

Mr. Di Stasi: That has been our position for a long time. We believe there should be only one school system. Sure, they have been getting grants, and it is in the British North America Act that they get funding through to grade 8, but our position is still that, even for grades 9 and 10, we do not support the idea that religion should be taught in school. We feel home and church are the places for religious education. Why do they not take a bigger responsibility in this?

Mr. Offer: On page 3, when you talk about this being unjust, you talk about a responsible

government, supposed to be representative of all the people, taking steps to fully fund the schools of one religious group while at the same time denying it to others. You view this as, in part, unjust. I question whether the referendum being taken to the Court of Appeal meets this criticism by your association.

Mr. Di Stasi: I did not get that.

Mr. Offer: I ask you whether a referendum as to the constitutionality of this extension—

Mr. Chairman: Referendum or referral?

Mr. Offer: Referral; I am sorry. Is a referral of this an answer to your position of it being unjust?

Mr. Di Stasi: We believe a referendum would be the answer. Let the people decide. Is that what you mean?

Mr. Offer: No; a referral to the Court of Appeal.

Mr. Di Stasi: We are looking into the possibility of seeing whether it is legal. We have engaged lawyers to see whether it is constitutional. We believe the people should decide on this. If you look at this province, and I do not have the current figures, 10 or more years ago, 85 per cent of the people in this province were not separate school supporters; they were public school supporters. You are asking 85 per cent of the people to pay public tax dollars to promote someone else's religion. That is our main thrust: We are paying public tax dollars to promote someone else's religion.

Mr. Epp: I am not sure whether you understand the question. Are you saying you are opposed to the reference to the Court of Appeal, or are you saying that, irrespective of what the courts say, you are opposed to that?

Mr. Di Stasi: No. Naturally, we are looking forward to getting a ruling from the courts on whether it is legal.

Mr. Epp: If the courts say it is legal, you are in support of the extension of full funding. Are you saying that?

Mr. Di Stasi: We will have to abide by the decision of the Court of Appeal. That does not mean we are going to change our views. We will just have to accept what the court rules.

Mr. Epp: I am not trying to put words in your mouth. I am just trying to get your position. As I understood you earlier, irrespective of what the court says, whether or not it is legal, you are still opposed to the principle of full funding?

Mr. Di Stasi: Yes, we are opposed to the principle of full funding.

Mr. Epp: But you are prepared to accept it provided it is legal?

Mr. Di Stasi: Certainly.

Mr. Epp: All of us are going on that basis.

Mr. Di Stasi: Sure. If the law says it is legal, then it is legal. What else can we do?

Mr. Chairman: That does not mean you have to like it.

Mr. Di Stasi: It does not mean I have to like it. That is correct.

Mr. Chairman: I often find myself in that situation.

Mr. Di Stasi: I do not like paying taxes, but I am still going to pay my taxes.

Mr. Timbrell: I read your brief this morning and listened to most of it this afternoon. Both this morning and this afternoon, I noted with interest your statement that "the quality of education in the public secondary schools will suffer" if this measure proceeds, but I cannot find anything in the brief to substantiate that assertion. What is there about the public educational system that will suffer?

Mr. Di Stasi: It was mentioned in other briefs here today. There is the quality of education. Roman Catholic schools predominantly are advanced-level schools with young people who are taking advanced-level courses. They do not have vocational education. They do not have business education. Who is going to be teaching these general-level students? Where are they going to be going? Are the separate schools equipped? How many general-level courses are they teaching?

Mr. Timbrell: Those are all legitimate concerns, and we have spoken about them and will speak about them again as far as questions respecting sharing of facilities, purchase of services and that sort of thing are concerned. However, you state in your brief that the quality of education in the public secondary schools will suffer. Why and how?

Mr. Di Stasi: By finances, I suppose; they are not going to have the amount of money. Can I ask in return: Where is the money coming from to support the separate schools? Where is that money going to be coming from?

Mr. Timbrell: It is coming from the taxpayers.

Mr. Di Stasi: Probably with an increased eight per cent sales tax or something.

Mr. Timbrell: Almost 40 per cent of whom are Roman Catholics.

Mr. Di Stasi: They do not have the money for it. If you are going to support separate schools with the funding of \$300 million that has been bandied about in the press, or whatever it is going to cost, that money has to come from somewhere. You are going to have to ration the amount of money that goes out. The quality of education will go down if you do not have the money to produce and carry out these courses; you will have to cut them out.

Mr. Timbrell: That is true for even what we have now, is it not? Having been a member of a government for more than 11 years, I know that one always has to wrestle with those questions. There probably is not enough money in the Treasury to satisfy all the people on all the things that government funds. I take it what you are saying then is that as long as the Legislature ensures the provision of adequate funds, the public system will not suffer.

Mr. Di Stasi: Yes, I suppose; they do not suffer financially. The other problem is that the shift goes on. As more students shift to the separate school system—let us assume they do—the point there is that the costs are still going to be heavy on the public school system. If the school has 800 students and now has 600, I am sure the cost of handling 600 students is going to be pretty well the same, except for a few teachers.

Mr. Timbrell: Again, those are issues we have had to grapple with. If you look at the public school system over the past 15 years, the costs of the system have continued to increase, while the numbers in it have continued to go down. Obviously we have made the choice as voters, and through our elected school trustees and others, to maintain certain standards and in fact to enhance those standards, notwithstanding the reduction in the number of pupils in the system. By standards, I refer to pupil-teacher ratios, programs, facilities, equipment and so on.

I take it from what you are saying that so long as we are prepared to ensure that adequate funds are available to the public system, while this is being done, then that would remove—

4:30 p.m.

Mr. Di Stasi: The assumption is that more money is going to be going to the separate schools. If you were having a big shift there, you would have to provide for the instruction of the students shifting to the separate schools. You will say, "The public school will not teach them then." I guess the argument is that the public school will not teach them if they shift over to the

separate schools, but the costs will still be there in the public school system. The costs are still there, even if they shift over.

Mr. Epp: Mr. Di Stasi, I think you said something earlier that I am not sure you wanted to say in response to Mr. Timbrell.

Mr. Di Stasi: Maybe.

Mr. Epp: It happens to us all the time. The chairman knows better than most of us.

You indicated that separate schools are primarily advanced schools, as opposed to vocational schools. Are you saying that because they are academic, they are advanced? I do not think you meant to say that. I think what you were saying, and I am just trying to get a clarification on this, is that separate schools are primarily academic schools as opposed to vocational schools.

Just because they are academic does not mean they are advanced. There are a lot of children out there, thousands and thousands of them, who would not agree with you that somebody who was an academic was necessarily further advanced than the person in vocational school. You are doing an injustice to the thousands of students out there who are taking vocational courses as opposed to academic courses. You are saying, "You are not advanced because you are not taking more academic courses." I do not think you meant to say that.

Mr. Di Stasi: No, I am saying separate schools give advanced-level courses. You do not find vocational courses in separate schools, do you? You cannot find a machine shop or a carpentry shop there.

Mr. Epp: Sure you can.

Mr. Di Stasi: The question might be later, as I said in the brief, they are going to demand that they have those types of shops also or that they will use the facilities they get from the public schools.

Mr. Epp: But taking academic courses is not necessarily any more advanced than taking vocational courses.

Mr. Di Stasi: I do not understand what you are saying to me. Are you saying they are advanced, or are we talking about advanced-level courses?

Mr. Epp: I am saying that taking academic courses, English or history, as opposed to taking woodworking, is no more advanced; it is not synonymous with being advanced. They may be taking academic courses, but that is no more advanced than taking woodworking or something. I am sure you are not saying that somebody taking Latin, for instance—

Mr. Di Stasi: Are you suggesting I am saying that those taking vocational courses are inferior people?

Mr. Epp: Yes; that is what you are saying.

Mr. Di Stasi: No, I am not saying that. I am an old technical teacher.

Mr. Epp: You are saying the ones who are taking—

Mr. Di Stasi: I would not say that. I have promoted vocational teaching for 26 years.

Mr. Epp: I am sure you did not mean that. That is why I wanted to give you an opportunity to correct the record.

Mr. Di Stasi: I am saying there is a trend today, and I do not know if you are aware of it, for most students to follow academic courses. Those who are not quite prepared to follow the hard-line academic courses, which require a little more study, or those who do not have the ability, take vocational courses or business or commercial art courses; but these courses are not available in the separate school system.

Mr. Epp: They are, but they may not be as plentiful.

Mr. Chairman: Mr. Epp, before you clarify us into total confusion here, I will recognize Mr. Reyecraft. I think the distinction between your positions has been made.

Mr. Reyecraft: I have three questions, although one of them may be more of a comment. The first one relates to a statement made on page 2 of the brief. I would like to ask Mr. Di Stasi how he reconciles the fact that separate schools in this province have received public funds for some 140 years now with his statement that "the people of Ontario currently enjoy a long-standing and deep-rooted principle that church and state should remain separate and independent of each other." It seems to me the separation you suggest in the statement has not been there.

Mr. Di Stasi: The separate schools have been receiving public funding to grade 8, which was known as the common school. I still believe the principle of separation of church and state is there in just funding the Catholic schools to grade 8. By funding them completely, you are giving them a total educational system from kindergarten to grade 13. In this manner you are infringing a bit on the idea of the separation of church and state, because you are giving them more control of their own education from kindergarten to grade 13 and public funding for it. That means X dollars are still being paid to promote someone else's religion.

We accept the fact that they have been receiving public funding to grade 8. We have accepted that, but we still do not believe that is the right way to educate children in this province. We figure there should be one type of school for everyone. We cannot say to dismantle it. We are quite aware that no one is going to try to dismantle the system, but we want to say no to any extension of the system.

Mr. Reyecraft: My second question deals with the costs you describe at the bottom of page 4 and the top of page 5. There is an implication, when you speak of the \$80 million, \$130 million and \$150 million, that those are incremental amounts. The estimates given so far are \$80 million plus an additional \$50 million and an additional \$20 million. Is that consistent with your figures?

Mr. Di Stasi: We understood it was \$80 million the first year and \$130 million for the final year. The total cost—

Mr. Reyecraft: The total cost of the implementation would be \$130 million by the second year and would rise to \$150 million, not an additional \$150 million in the third year.

Mr. Di Stasi: Yes.

Mr. Reyecraft: The other comment I wish to make is with respect to access. It is the intent of the legislation—the concern has been already expressed by others that the legislation may not be clear; in fact, it is agreed the legislation is not clear and some amendment will be required—that there will be guaranteed access to the system to which an individual's property taxes are being directed and that the limited or conditional access will apply to the other system, not the one to which property taxes are being directed. When you speak of a situation where a student might end up being denied access to both school systems, that could not happen.

Mr. Di Stasi: You say it cannot happen?

Mr. Reyecraft: It could not happen.

Mr. Di Stasi: With the current legislation, there is a possibility of applying to the separate school system and there being no space. If there is no space at a school in the public system, you put another classroom of kids in a portable in the school yard. That is what we used to do. You had to take them all in. During the summer, there used to be an influx of students moving from one region to another coming into the school; you had to take them. The separate school would have to take them also, would it not?

Mr. Chairman: Just to clarify: Besides the notion that the system to which your dollars go is the system to which you are guaranteed access, it

is possible a particular school might say that all its portables were filled, that being the present situation in several Metropolitan Toronto Catholic schools, but within that system there would be access someplace; another school would be available. The same thing happens from time to time in the public system, where busing to school has to be done to a less proximate school to make sure the child gets an education. It is not intended to be different. We will be looking at the wording of it.

Mr. Di Stasi: We understand that does happen in the public schools; the student can go to any school he wants. At one time he had to reside in the area; now he can go to another school if it offers a course that is not available at his home school. I am wondering about the separate system. Will they be doing the same thing? Are you guaranteeing that they will be doing the same?

Mr. Chairman: A number of us have raised the concern that this should be the case. As far as we understand it at the moment, that will be the case; it is just a matter of making sure the legislation says it clearly and spells it out. We have had no opposition from the association of separate boards, for instance, about that principle.

Mr. Di Stasi: We are assuming it is all legal.

Mr. Chairman: Thank you for coming. I am sorry we were delayed in getting to you. This sometimes happens in the democratic process, no matter how distorted we are making it, according to certain allegations. Thank you for your time; I appreciate your attendance very much.

4:40 p.m.

Our next presenter is Errol Young, trustee from the Board of Education for the City of North York, who also has been waiting a good length of time this afternoon. The members have Mr. Young's presentation, which is exhibit 4. While you settle yourself, we can get it out. Perhaps you could introduce yourself to the other members.

ERROL YOUNG

Mr. Young: I am Errol Young, trustee, ward 5, North York Board of Education. I understand the long wait. Unfortunately, we do it to people all the time; sometimes it is unavoidable.

In this brief, I do not intend to pick apart point by point the legislation to extend funding that is currently before you, because to do so would add some legitimacy to the basic concept that there should be two publicly funded school systems in the province, one of which by provincial

legislation may discriminate against some of this province's citizens based on religious affiliation. Rather, I want to highlight the fundamental problem inherent in the idea of extending the separate schools' mandate. The paradigm I am using is one that sees a single public education system as the best means to fulfil the province's needs.

At every public meeting I have attended since this issue has come to the fore, the questions have not been about extension; they have been about the funding itself. Should Ontario be funding religious education? While I do not claim to represent the board of which I am a member, I can say I represent myself, my constituents and many of yours. My constituents are angry because they have not been allowed a voice in the process to date.

I heard the previous questions about that and there is a matter of whether it is actual fact, of whether you can prove that you have given the province a voice, of whether this committee does, or of whether you have not. However, they certainly perceive they have not. The decree just came down from the one on top. No party and only a few candidates spoke out against the funding. Time after time, you and other candidates have heard that the electorate was upset about it, but many times they have been ignored.

Why? Why, after 130 years of not funding, is it so important to rush the extension through this year? Why are the terms of reference of this commission so narrow? I assume it is just to fine-tune the bits of the bill. How can a decision that is so unfair and wasteful be implemented? This commission should be addressing the real issue; that is, the advisability of the creation of a second publicly funded secondary system. If only the niceties of implementation are examined, the citizens of Ontario will be denied a forum on a subject that has not been well dealt with anywhere else. Your mandate, as it now stands, is to render public school kids second-class citizens.

I would like to remind you that in the 1960s, when separate school funding was introduced to grades 9 and 10, there was no public input. It was done through an order in council, an informal arrangement and there was no real ratification in the Legislature. If I am wrong about that, I will stand by your information, but that is the impression. I put it to you that your mandate should include consideration of this undemocratic act. In that way, you would be doing an additional service to the population. In that light, I am recommending that the commission recom-

mend implementation be delayed until a full normal process is given to the proposed policy change in the Legislature.

Let me start with some personal history. When I was a student in the North York system 30 years ago, there really was no problem with Catholic schools. There were none to speak of in the area and there were only a few private Christian and nonsectarian institutions competing with the growing public school board. As well, the public schools had a distinctly Protestant atmosphere that left the non-Protestant students out in the cold or out in the hall during religious exercises.

Today, things are different. Six years ago, my first son entered junior kindergarten in the local school. His class was a United Nations of children and the school even found it hard to hold a true Christmas concert out of respect for the number of faiths that were represented by the students. It was on his first day of school that I had a rather disturbing conversation with a neighbour whose child was my son's playmate. He told me his son was going to the separate school in the area, so naturally I asked him why he chose it. He said he wanted to get his child to first-communion training and he did not think that he could get him the lessons at public school.

After thinking about this for a while, I got rather angry. If he had any problem other than that with the local public school, he could send his child to the local separate school. He had no problem with that sort of thing, but I was being discriminated against. I could not do that.

My interest in education led me to run for office and only then did I see the harm that a dual, publicly funded education system has brought. During the campaign I saw neighbour separated from neighbour on a basis more intimate than tax assessment. No one cared what was happening in the system they did not support.

Concerns for the quality of education were divided along religious lines. Social importance of schools in general for all people was lessened because they felt a remoteness from the major portion of the overall delivery system. Yes, they could vote for one trustee or another, but whether the parallel system was turning out useful citizens or not was for the most part irrelevant.

It all comes down to basic beliefs. If you believe that a public system cannot adequately deliver a proper level of service to all its citizens, then in good conscience you can support a multitude of publicly funded, competing school boards representing many different interests. Two or 20, it is all the same. When public money supports sectarian education or private education

in any degree, a clear lack of confidence in public education is being expressed.

There are two publicly funded educational systems in Ontario, but there is only one public school system. It looks as if we are constitutionally stuck with the elementary separate schools which are at best educational anachronisms. A true public system is one where free universal access is the rule. Any other system that restricts its clientele in any way is by definition exclusive and therefore not public.

The protection of this vital institution is the cause that I am dedicated to. Only through a strong public system can society advance in modern times. Anything that weakens public schools harms everyone, including separate school supporters. Public boards have the schools that can guarantee a knowledgeable electorate, a productive population and perhaps find the next Mozart or Sondheim from all sectors of Ontario.

If at best the separate school system is an educational anachronism, then at worst it fosters bigotry. Separating people along racial, economic and/or in this case religious lines is not socially healthy. I am not saying that all separate boards are bigoted or even that some are bigoted, and I want to make that very clear, but I am saying that by isolating children from each other so arbitrarily we make impossible the essential human contact between those of different lifestyles. This contact is a fundamental part of the universal fight against intolerance. I believe in preserving old books and old buildings, but not old hatreds.

The trend will spread. If one group in the province has the provincial sanction and financial support to isolate its children in their own schools, why can other sects not have the same right? Indeed, that is what the Shapiro Commission of Inquiry into the Role and Status of Private Schools in Elementary and Secondary Education in Ontario is about. I would suggest that in recommendation 2 the commission recommend that the concept of funding sectarian education be reconsidered by the Legislature.

When I heard that the province was willing to spend first \$40 million and now \$80 million on separate schools, I was amazed. Year after year there have been cutbacks in provincial funding to boards of education and now money is allotted to increase the mandate of those who cannot improve the standards of education for everyone in the province. I do not believe for one moment that this last estimated figure is the highest amount that we are going to hear.

Provincial squandering is not the only cost to society that this organizational adjustment will extract. In response to the economies of scale, each board will have to spend more per student as their numbers drop. I can accept that declining enrolment resulting from a change in population is natural, but implementing this bill would be most unnatural. Every time our board closes an elementary school, we spend tax dollars on buses to make up for local schools to which children could walk. I expect the process of secondary closings will have its own costs as programs become harder and harder to staff.

4:50 p.m.

This bill does not recognize the sensitivities or secondary-courses-to-population shift. Public boards may just not be able to afford a full service to their own students as the numbers drop. The costs imposed by this rush to fulfil a badly thought out election promise will never be fully calculated.

What other hidden costs are there? We will never know, but with the other pressures from your Legislature—some of them not too bad, such as Bill 82; others such as the unfunded lunch programs as well as the traditional cutbacks in funding that were the major reason for the 9.1 per cent property tax hike this year in North York—I can see the local taxpayers supporting education more and more with their inequitable tax dollars and/or standards dropping.

Third, I would recommend that the commission recommend a re-examination of the costs involved in Bill 30.

In conclusion I would like to say this government has referred the funding extension to the courts in a belated attempt to legitimize the process. I therefore put it to you that any advance along the road to full funding of separate schools should be delayed until referral is complete. It sounds only logical.

As I stated earlier, the constitutional challenge is not the primary problem. This policy must be decided on the basis of what is best for society. If one section of the population gets special privilege, then the society as a whole is harmed. If services are duplicated then it is a waste of limited tax dollars that you will be legislating.

Public education is one of the most valuable institutions serving Ontario. A well-run public system does more to reduce costs in other government sectors, such as the penal and social services, than any direct change to those institutions. More than that, a sound education system adds to the quality of life in Canada. Our constituents want, need and deserve a strong

public system. That goal will be impeded by this legislation.

Just talking here generally about the bill, I wrote this thought down. Supporters of this bill are in a double bind as far as their basic precepts are concerned. If they tailor their schools, and if you tailor this legislation, so that even to my liking there would be no discrimination—in other words, separate school students as well as non-Catholic students would be able to enter their schools without discrimination, be able to opt out of religious education and have those freedoms they have basically in the public system—then there would be no reason to have a separate system running parallel to ours. It would just be uneconomical.

I am really appearing before you to say that I am not here to help you adapt this legislation so it will go through the Legislature nicely and easily or that it will not make as big a mess of education in Ontario as many people see that it will make. What I am doing in this brief is pointing out just a few of the basic fallacies and some of the wastefulness I see in this bill from the view of a public school trustee and his constituents. While I believe I am stating the obvious, I have to do that because the quality of education is at stake. It is your job and mine to improve that quality and Bill 30, frankly, does nothing for public education.

Thank you for your attention and time, and I hope you will seriously consider the recommendations that appear on the last page.

Mr. Chairman: Thank you. I do not think the committee was necessarily expecting people to come in only to help us fine-tune. I think we expected presentations and have had several today which would indicate they were not after fine-tuning but the ending of this legislation one way or the other. Mr. Timbrell had a question for you to start off with.

Mr. Timbrell: I recognize that trustee Young does not support the bill, including the principles, and I am not going to try to persuade him he should. I respect his point of view. It seems to me there is perhaps one recommendation that you should have made to be consistent, and that is that all existing tax breaks that go to private schools should end.

Mr. Young: All existing tax breaks to private schools?

Mr. Timbrell: I am told that on average it has been calculated that about 25 per cent of the cost of providing education in private schools, be they denominational or otherwise, is, in fact, being borne by the taxpayers.

When you consider that, first, those properties are tax exempt and, second, that the denominational private schools all issue tax receipts for the religious portion of their program—which is estimated by some to be as much as 75 per cent of their program, and which receipts are accepted by the federal government and, therefore, result in lower personal federal income taxes—I am told that, in aggregate, about 25 per cent of the costs of those schools are being borne by the taxpayers.

Would it be correct to take your paper another step and say all those tax breaks on income tax and on property taxes should be abolished?

Mr. Young: I would like to look at that very closely. I am not necessarily against religion in the schools. We have an excellent heritage-language program in Ontario. I would have no problems with having religion along that model. I think it requires in some cases that 20 families in the area request a heritage program and that is carried out quite well. I am very much in favour of that sort of thing.

You could do that with religion in a public school system. Once you have done that, once you have covered your bases—take Bill 82, for example; if you have covered your bases on Bill 82, then you do not need private institutions supporting students who need that service in special education, and you are shutting off your money going to those institutions through the Ministry of Community and Social Services right now. You will be doing that in the fall. If we are covering those bases in the public sector, where I think those bases should be covered, then I would naturally consider that.

Mr. Timbrell: Which is your ward?

Mr. Young: North York.

Mr. Timbrell: No, which ward.

Mr. Young: Ward 5, Keele and Wilson.

Mr. Timbrell: Okay. Especially in ward 5 of North York, unless it has changed since I was on council, if you talk to a lot of your constituents who send their children to the Judaic schools, some perhaps to Christian schools, they would argue it is more than just teaching religion; it is, as representatives of the separate school board argue, more the ethos of those schools.

Mr. Young: I have no problem with them having that service as long as they are willing to pay for it. I do not believe the public should be willing to pay for it.

Mr. Timbrell: I am inviting you to consider, though, that there is a gap in logic, or perhaps a

further step in logic, to your paper if you are going to be consistent.

Mr. Young: It is an interesting thought.

Mr. Allen: I want to thank Errol Young for coming forward with his presentation today. It is a little more intimidating to come as an individual, unsupported, than to come as a provincial organization, flanked by numerous specialists and colleagues who can give you the moral support necessary to make this kind of presentation. I appreciate very much the motivation and the concern that lie behind an individual appearing before this committee. I commend that very highly.

I also want to say it is very difficult, when one functions as a member of a committee that is concerned with a specific piece of legislation, to engage in what would appear to be relevant and significant questioning when a brief does not address itself to the specifics of the bill. I understand perfectly why you are taking that route and I appreciate the argument.

First of all, how much of your anxiety would be allayed if the province were able to increase significantly its commitment to the funding, the operational expense and capital expenditures of public education in the province at large, the special programs such as Bill 82, and to move back somewhere in the order of the 60-40 split of responsibility that it took at an earlier date? How much of your anxiety on this issue would be allayed by that kind of a return to adequate funding?

5 p.m.

Mr. Young: Certainly part of it. When you dangle that carrot before me, I would gladly go in that direction if that is the way we could go, because property taxpayers are overburdened with the trend of the last dozen years or so. It has not been the trend and I do not see that mentioned anywhere around Bill 30.

They say the public school system will not be affected. From the provincial point of view, that is fine, but when we are closing schools, cutting back on programs and making some of these jerry-built systems where we take some of their students and they take some of ours, I am not sure the quality of education will escape unscathed with just dollars.

Mr. Allen: Yes, I understand that.

Mr. Young: Further to that, I honestly believe if you extend funding to the separate school boards to grade 13, there should be no institution that does not meet a certain set of criteria that should not share too. Private schools should

share the funding; other religious institutions should be funded. I do not see that as the way education should be going.

Mr. Allen: That may or may not be a clear implication and it may or may not be a legal or constitutional requirement. I suspect we will learn that from court decisions down the road.

In any case, there are organizations preparing those court cases that would attest to that regardless of Bill 30; so to discuss Bill 30 in the light of that eventuality is irrelevant. It is an important discussion, but I suspect we are going to have that question laid on our table one way or another. I wonder whether you are aware that those decisions are likely to be on our doorstep in the months ahead.

Mr. Young: My problem is, as you say, it is a dangerous lesson. If you did not have Bill 30, I suggest the rest of the private educational establishments would not have a case.

Mr. Allen: I think that remains in some doubt in the light of the Charter of Rights.

Mr. Young: Cause and effect.

Mr. Timbrell: If you are right, whether we pass Bill 30 or not, does that not mean they are entitled to funding to grade 10?

Mr. Young: I consider the funding to grade 10 was done in a very under-the-table way. Grade 10 was funded under a provision, and you probably know this—I keep forgetting the word—through extension schools, schools that—

Mr. Timbrell: Extenuation schools.

Mr. Young: Yes. That was a rural expediency. When you did not have high schools in a rural area, you gave them an elementary school to grade 10. It was a limited school, but you did give it to them. I think elementary teachers until the last decade could teach in those schools. They cannot any more, but—

Mr. Timbrell: Apparently we still can. I was assured of that the other day.

Mr. Young: Fine. I am glad to hear it because many are able and should do that.

Mr. Timbrell: I was getting a little career counselling.

Mr. Young: You are looking forward to the next election, Mr. Timbrell.

Mr. Timbrell: I am, actually.

Mr. Young: So am I.

Anyway, they were extended in urban centres where they did have access to secondary institutions. Mind you, that was in publicly funded secondary institutions. Those institutions were in the public sector and not in the separate

sector, but they were there. I do not think that was a legitimate response; so I agree. I do not think grades 9 and 10 should get it.

We have an anachronism there. I think nonconforming use is what you talk about municipally. A grandfathering clause is what you talk about in other sectors. That is where you have a bad situation and to remove it would probably be worse at the moment, but you certainly do not want to extend it. It is not going to be used as an example for all, saying, "Here is a precedent."

Mr. Allen: I think that as a trustee you are quite concerned about the whole question of the quality of education, equality of access to education and equal quality of education.

If one accepts the arguments that junior kindergarten through to grade 8, at least, is constitutionally entrenched; that for 86 years in Ontario, the province has accepted the practice of continuation of schooling up to grade 10 and has enhanced that by enhancing the grant levels to grades 9 and 10; that a child's education ought to be a continuous process and that there are major problems in education when you break that and force children in other directions, and that in political and practical terms it is impossible to imagine getting rid of that structure which the province over time has legitimated, how would you go about providing equal educational opportunity for Catholic students in separate school systems?

Mr. Young: Quite simply, I do not think there is much problem in a 15-year-old changing schools. They have to change anyway to go into their secondary institutions around grade 9. We originally had junior high schools to smooth over the trend, but that meant children in grade 6 would have to graduate into grade 7, much younger children would have to graduate into grade 7, into a larger institution with lockers and a big gymnasium and things like that. It is quite intimidating, but they have done it quite successfully.

We will now be going down to a middle school model where we will actually be asking children graduating from grade 5—how old is a child from grade 5?—about 11 years old, to go into a bigger institution. It will be the the same building, but it will be grades 6, 7 and 8. They then go on in grade 9, making the split again that the separate school students would have to make to the larger high schools.

I see nothing wrong with institutions changing buildings, changing philosophies. There is quite a difference between a high school and an

elementary school. I do not think there is any problem with a child going from a separate elementary school into a high school. It is normal practice.

Mr. Allen: You may not sense or feel the difference. I wonder whether there is not a major public implication in saying, on the one hand, to the parents of almost half a million school children that it is legitimate to go to a Catholic school until the end of grade 10 and saying, on the other hand, to public school supporters that it is legitimate for their children to go all the way through. These kids, by the nature of things, have to make that change. There is something that the citizen in that case has opted for, something that the province has legitimated for all those years, being treated as though it were suddenly illegitimate at the end of grade 10.

Mr. Young: I am saying you are right, that there is a general statement we are making here, and that statement is that sectarian education should not be supported publicly. The fact that we do support some sectarian education at the elementary level is unfortunate, but we cannot get rid of it right now. We should deal with that reality by not extending sectarian education in Ontario. If you say we are saying something to the parents and the children using the separate school system, yes, we are. I believe that is a legitimate thing to say.

Mr. Chairman: We have a very fundamental difference of opinion here.

Mr. D. W. Smith: I was going to ask Mr. Timbrell for a clarification, but I see he has left. He made the statement that 25 per cent of private schools are publicly funded in another—

Interjection.

Mr. D. W. Smith: By a tax break. I just wanted to clarify that. There are a lot of things coming out in these meetings that I am sure we are all going to learn about before the meetings are all over.

I wondered how long the private schools have had their property tax exempt under the municipal taxes and if all their money may be not directly publicly funded. If you had all your money raised by a tax credit, then in actual fact you are getting public funds in a roundabout way. I wanted to hear Mr. Timbrell's comments, but he has gone. Maybe I can ask him another time.

Mr. Chairman: I think you should pose a question to him at another time and perhaps not even during the committee time, if it would be all right, in that we do have to have some focus here.

Also, the Shapiro commission will no doubt be looking at the financing of the alternative school systems around the province, as well as looking at the future; so you may be able to get information in some detail that Mr. Timbrell may not even have on that.

Mr. D. S. Cooke: We might all be surprised by the things in the private sector that are funded through the public taxes.

Mr. Chairman: There are those of us who ideologically have never been surprised by this.

Mr. D. W. Smith: If you were given a tax credit to fund the school, then those dollars

would have been coming in income tax; so I think you would have to say that in an indirect way they have been doing all right.

Mr. Chairman: We will probably find there has been quite a range, depending on the kind of alternative school we are talking about and the length of tradition.

As there are no other questions for Mr. Young, I thank him for bearing with us. I appreciate the time he has taken to come before us to be heard by us and by the many people watching.

The committee recessed at 5:11 p.m.

CONTENTS

Tuesday, July 23, 1985

| | |
|---|-------|
| Education Amendment Act, Bill 30, Mr. Conway, recessed | S-227 |
| Recess | S-257 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
 Davis, W. C. (Scarborough Centre PC)
 Epp, H. A. (Waterloo North L)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Offer, S. (Mississauga North L)
 Reyecraft, D. R. (Middlesex L)
 Smith, D. W. (Lambton L)
 Timbrell, D. R. (Don Mills PC)

From the Coalition for Public Education:

McClintock, G., Co-ordinator
 McEntyre, S., Presbyterian Representative
 Rowe, M., Past Chairperson, Ontario Public School Trustees' Association
 Skoutajan, H., President

From the Loyal Orange Association in Ontario:

Di Stasi, D., Chairman, Legislative Committee
 Young, E., Trustee, North York Board of Education



No. S-10

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Tuesday, July 23, 1985
Evening Sitting

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, July 23, 1985

The committee resumed at 7:35 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

JOHN W. NICHOLSON

Mr. Chairman: I will call the committee to order and thank members for being on time. I am quite surprised by the way we are keeping ourselves disciplined here; it is very good. I also thank Mr. Nicholson for coming to speak to us tonight.

I have one bit of news for members. There was some question about whether we are going to shift the Thunder Bay and Sault Ste. Marie trips, as you may remember. It looks now as if we may be going back to the original order, with Thunder Bay first and Sault Ste. Marie afterwards. We are starting to hear from a number of groups in Thunder Bay that would like us to come; so it looks as if that would be more appropriate.

Mr. Nicholson: would you like to start off and take us through some of your Points to Ponder? You can take us through that any way you would like, or make comments to the committee. We will let you do that unencumbered and then members of the committee will ask you questions or make comments back to you.

Mr. Nicholson: That is fine. Is it all right if I sit down?

Mr. Chairman: Certainly.

Mr. Nicholson: I have a bum knee. The cartilage is shot in my knees; it makes me look like an old man, but I am not as old as I look.

Mr. Chairman: There is a microphone in front of you, so it is just as well you are sitting. You are very hard to pick up otherwise.

Mr. Nicholson: Fine. I am sorry, but there is apparently some misunderstanding about photocopies. I told Ms. Boon in the office of the standing committee on social development that I did not have a photocopy machine, so I came down from Hamilton last Thursday night to leave two copies for the committee office. My understanding was that they were to be photocopied and distributed.

Mr. Chairman: We do have them, so it is not necessary for you to proceed through your brief line by line if you do not wish to. You can take us through it any way you wish.

Mr. Nicholson: That is fine. The first page of my brief refers to two types of democracy. I am not too concerned about that. It is just to fill in the overall picture and is not directly relevant to the matter. I might come back to the definition of totalitarianism later. I mention that the ancient Greek city-states had some form of democracy and seem to have regarded honesty as equally important as intelligence.

The beginning of my dissertation concerns democracy and the individual. I am going right into associations. The Catholic church is an association. A democratic state is composed of both individuals and voluntary associations. I am not reading from the material here, just from my notes. Examples of voluntary associations are service clubs, health organizations, fraternal organizations, occupational organizations, trade and labour unions and professional organizations such as the Canadian Institute of Chartered Accountants and the Law Society of Upper Canada.

One value and use of voluntary associations is to help create leaders other than political leaders. It gives scope to what the American statesman James Madison referred to as "the infinite variety in the faculties of man." Associations have varying aims and functions. With regard to religious associations or organizations, in Ontario we have the separation of church and state. Accordingly, I submit religious organizations are voluntary associations. No church or religious organization has official status in Ontario.

Some associations require regulation. At times, trade and labour unions kick up a rumpus, and we have an intricate body of law regulating the relationship between unions and management. I have delved into the matter of associations in general.

Regarding religion and Christianity, page 5 of my notes or memorandum defines "religion," using the Concise Oxford Dictionary definition, as "human recognition of a superhuman controlling power and especially of a personal God or gods entitled to obedience or worship." Another

definition from the same dictionary is "particular system of faith and worship."

The definition of "religion" may help us to understand its origin. I want to quote Karl Marx, but I might mention that I first read any direct writings of Karl Marx about two weeks ago in the Hamilton Public Library. I asked their quick facts department to tell me where Marx's famous saying "Religion is the opium of the people" came from. They told me they got it from Bartlett's Familiar Quotations, so I went up and spent an hour and a half reading it. That is the only direct reading I have had of Karl Marx, so do not think I am a red-hot communist.

According to Marx, man makes religion, religion does not make man. Since there are many religions, there might be substance to Marx's proposition. If religion made man, to my mind there would be one religion in the world. Since there are so many religions, divisions of Christianity, other religions and non-Christian religions, I suggest Marx is probably right in saying man makes religion.

The early Christian church means the Roman Catholic church, for the Reformation occurred only in the 16th century. I submit the early Christian church was very institutional, perhaps monolithic, and apparently Luther felt it kind of lost touch with the people. Luther's Reformation of the 16th century rejected the church's instrumentality as an agent of salvation. "Resort should be had to the authority of the Bible itself," said Luther.

Karl Marx comments on Luther. He commends Luther for "negating the idea of something separate and apart from the layman by transferring the priest into the heart of the layman." In other words, Luther rebelled at the authority of the church. He seemingly refused to believe the church was as important and necessary as it held itself out to be.

Concerning the attributes of Roman Catholicism in Ontario and the infallibility of the Pope, I think it was the Vatican Council of 1690 which declared that in matters of faith all members of the church are expected to believe and to follow what the Pope says. That is my understanding. I have not delved into it too deeply, but that is my understanding. This is in the nature of totalitarianism—government from the top down. In that regard I have a little passage near the front on what is totalitarianism. It is on page 2 and states:

"Individual liberty is subordinated to the state. All activity must further the aggrandizement of the state. The theory appears to be that the

individual ultimately benefits by the existence of a wealthy, powerful state. Power originates at the top and moves down. The people, the citizens, have little say in the way they are governed."

I suggest that the Roman Catholic church has elements of totalitarianism.

In my presentation I mention Raymond Kapusta, who lives in Burlington and teaches French in Oakville, I believe. He points out that around 1900 the Roman Catholic hierarchy in Ontario was composed of Irish bishops, and they decided they would refuse to have any church affairs conducted in the French language. It is mentioned here; I just do not know where it is.

Mr. D. W. Smith: Page 9.

Mr. Nicholson: Thank you. Raymond Kapusta, in the same article, points out that the relationship between English-speaking and French-speaking Catholics within Ontario has not been continuously harmonious through the years. That is the author's recollection. He points out that around AD 1900, the Roman Catholic hierarchy in Ontario was composed mainly of English-speaking Irish bishops. They were seemingly disinterested in the preservation of cultural diversity and decided to purge the church of its French connection. Accordingly, priests were actively discouraged, if not forbidden, from using the French language in any church matters.

Kapusta's article reminds me that especially since the Second World War, but even before, there has been a growing Italian influence in the Roman Catholic church in Ontario.

I want to mention that the Roman Catholic church is a voluntary association; it is not the official or state religion of Ontario. Roman Catholicism's right to public funding for secondary schools, the Constitution act—that is, the British North America Act—provides and protects public funding of Roman Catholic primary schools. It is my understanding that it also may give certain protection in Quebec for certain Protestant schools there.

It is my submission that the concessions in the Constitution act—that is, the British North America Act—were concessions in Ontario for French-Canadians rather than for the Roman Catholics. It just happened that the French-Canadians were Roman Catholics; or tended to be, they usually are.

Secondary education has evolved, grown and developed since 1867. We now have public funding of grades 10 and 11. I have the impression this had something to do with corporation taxes. I believe that might have come about in 1964; I am not sure of that. In any event,

the Roman Catholic church is not satisfied with public funding to and including grade 11; it wants full funding to the end of grade 13.

I remind you again, and I repeat myself ad nauseam in this aspect; Roman Catholicism is but a voluntary association, it has no official standing. Subject to the special provisions in the Constitution act, Roman Catholicism is entitled to no higher rights to school funding than any other religion.

I am a lawyer but, strange to say, I do not have the exact citation. My belief is that the township of Tay case is or might be the one that interpreted the British North America Act. It denied certain separate school trustees funding for secondary schools. I am not too clear; I should know.

Mr. Chairman: Tiny township.

Mr. Nicholson: Tiny township; not Tay. Thank you.

We have a judicial interpretation of what the Constitution Acts, formerly called the British North America Act, mean with regard to funding for Roman Catholic separate schools. Roman Catholicism is but a voluntary association. I keep repeating that. It is not so important in the scheme of things as the Roman Catholic church believes or would have you believe. Roman Catholicism, in my opinion, has a distorted conception of its importance. Roman Catholicism is not a super association.

The effect of legislated extended funding would be continued segregation of Roman Catholic students from students in the secular system. It has the effect of creating aggrandizement of the Roman Catholic church. The Ontario Legislature has no right to legislate public funding for Roman Catholicism only. Again, the Roman Catholic church is but a voluntary association. If it legislates funding for Roman Catholicism, it is duty-bound to legislate for all other Christian denominations, for Hindus, Buddhists and Muslims and for any other religion that wants to set up a school.

Raymond Kapusta suggests the granting of further concessions to the Roman Catholic secondary schools would be tantamount to the anointing of Roman Catholicism as the official religion in Ontario.

7:50 p.m.

There is an increased Italian influence in the Roman Catholic church, especially since the Second World War. We welcome these new Canadians and their children, but is there no duty on the part of new Canadians to adapt to conditions in Ontario, at least to some extent?

Ontario's well-developed secular secondary schools, open to all, should be the only secondary schools to receive public funding. There is nothing to prevent the operation and enlargement of the Roman Catholic secondary schools on a strictly voluntary basis; that is, without state funding.

The present bill has received first reading—shall I pause for a moment?

Mr. Chairman: No; the clerk has to go about her work.

Mr. Nicholson: The present bill has received first reading. All three of our political parties purport to favour increased funding. In regard to the Liberals and the New Democrats, this is a matter of political expedience. It is my understanding that Liberals generally tend to favour Roman Catholicism—Roman Catholics tend to vote Liberal; let me put it that way. That is the historical view.

Mr. Guindon: I agree with that.

Mr. Chairman: It was Mr. Guindon who said that.

Mr. Nicholson: The Liberals and New Democrats feel they can gain votes by supporting the legislation. In regard to the Progressive Conservatives, William Davis's apparently unilateral action has created turmoil within the party. I suspect there is more dissension in the party than shows on the surface.

Mr. Chairman: I am sure Mr. Guindon will give you his opinion on that later.

Mr. Nicholson: In the event the present bill receives third reading and is passed into law, it is submitted that the Roman Catholic church should not become too comfortable. Conceivably, a more enlightened Legislature may repeal this discriminatory legislation, reinstating public funding to grade 11 only; that is, unless it provides for schools for any other religious denomination.

When I was studying at Osgoode Hall, once in a while the name Dicey turned up, especially in the conflict of laws. I never read any of Dicey except when his name popped up about six or a dozen times in my career. However, Dicey apparently made a statement, which I read more than 30 years ago, in the introduction to *The Law of the Taxing Power in Canada*, which was put out by W.P.M. Kennedy and D.C. Wells at the old University of Toronto law school and printed by the University of Toronto Press. Dicey is quoted: "No law is fundamental. Parliament can make and unmake laws at will." That is my basis for saying some other Legislature can darned

well revoke what I consider to be discriminatory legislation.

Who was Albert V. Dicey? He lived from 1835 to 1922 and was a British jurist. He was educated at Oxford University and devoted himself to the study of constitutional history and law. He practised at the bar with considerable success. Dicey's knowledge of British and American constitutional law was great. He lectured at Harvard University in 1898. Dicey's book *Introduction to the Study of the Law of the Constitution*, published in 1885, is a classic and sheds as much light on the American constitution as on the British constitution. In other words, Dicey knows whereof he speaks.

My son, Bill—where is the pile of papers, the 25 copies you showed me out in the hall? Are they in my briefcase? Here they are. I have 25 copies of a supplementary sheet that can be distributed.

Mr. Chairman: They can be distributed as you talk.

Mr. Nicholson: I will read one by Harry Paikin, who was a Hamilton school trustee in 1971, and the board of education confirms he is still a school trustee.

"The role of a government that purports to represent people of all classes, origins and walks of life cannot be one that will cater to the whims of all individual ideologies and philosophies.

"A democratic society will act in the interest of the general good. It will recognize that such services as education, health care and good roads are its general obligations. It will make these services equally available to every member of society. Those who seek extra and specific services and who do not please to accept the benefits of the general services freely available to all, should be prepared to assume the cost of the special services they desire."

That is what Harry Paikin, a trustee on the Hamilton Board of Education, said in the *Globe and Mail*, September 3, 1971. I might mention that some of these excerpts are rather old now. When there was discussion earlier, about 1970 or so, I clipped a lot of newspaper items. In fact, I have the little booklet put out with William Davis' views, supplied by the government; and I have a booklet at home supplied by the Roman Catholic church or some organization, the Ontario Separate Schools Trustees' Association. They just turned up two or three days ago.

I will quote another one, from Ruth B. Bishop of Toronto, in the *Toronto Star*, September 10, 1971:

"Parents have two excellent locations to teach our children religion; the home and the church of our choice. It seems very unfair to expect taxpayers to foot the bill for lazy parents. Roman Catholic and Protestant churches have vacant seats, and Sunday school attendance is on the downward trend."

At least, that was the case in 1971, according to this writer.

Alex Greychuck of Hamilton said, in the *Globe and Mail*, November 14, 1969, "Children of all religious affiliations should be taught side by side under one public school system, just as they as adults will work and live side by side without favour or prejudice."

That is about all I have to say. I have just skimmed the surface and the salient points. I have said what I want to put across.

Mr. Chairman: Mr. Nicholson, the members are pleased you have come. I have nobody on the list at the moment. Are there any questions for Mr. Nicholson?

Mr. Allen: I do not think I have any questions. I appreciate the reflection that has gone into this presentation. I appreciate many of the quotations and I think some of them will help us in our consideration of the problem. I would just like to add to the statement, and comment on the origin of the quotation from Karl Marx that religion was the opium of the people. I thought that Mr. Davis, in particular, would like to know that quotation was originated through Marx from Charles Kingsley, who was an Anglican clergyman.

Mr. Chairman: That is a very important footnote, Mr. Allen. Thank you very much.

Mr. Smith had a question for Mr. Nicholson, however.

Mr. D. W. Smith: I just want to hear Mr. Nicholson's comments. He seems to have brought up totalitarianism more than once. Does he feel the province, the country, is going towards that end? Why did he bring that into his paper?

Mr. Nicholson: I tried to put across that the Roman Catholic church seems to work from the top down and tends to be monolithic in its nature. Totalitarianism occurs when the people at the top have their say. It is not democratic. I submit the Roman Catholic church tends to be totalitarian and what the church says we are supposed to believe.

May I add one more passage?

Mr. Chairman: Unless Mr. Smith has a supplementary to that.

Mr. D. W. Smith: Are you really saying, or do you more or less believe, that if full funding is given to the separate school board, we could end up with a more totalitarian system?

Mr. Nicholson: No. I just mean that, in general, the Roman Catholic church tends to be governed in a somewhat totalitarian manner.

Mr. D. W. Smith: So it was more or less just a passing comment on your part.

Mr. Nicholson: Yes.

8 p.m.

Mr. D. W. Smith: All right.

Mr. Chairman: It is a term we must often use with some sensitivity. I would suggest it is seen as one which carries a fairly emotional overlay, sir.

Mr. Nicholson: Maybe I left the wrong impression there. The top quotation on the sheet that was just distributed is from Cardinal Angelo Dell'Acqua, the Pope's vicar in Rome—I believe this vicar is the Pope's assistant in Rome—taken from the *Globe and Mail* of October 28, 1970:

"Religion has been accepted by Roman Catholics living in Rome because it was transmitted to them by their families and their social surroundings. They never had the opportunity of thinking about it."

The Pope's vicar says that.

Mr. Guindon: Are you Catholic, sir?

Mr. Nicholson: No. I go to the United Church when I go, but—this is off the record; please do not quote me—I find the church kind of bores me.

Mr. Guindon: If you believe this quote is true because the cardinal said it, then it must be true.

Mr. Chairman: Mr. Guindon?

Mr. Guindon: I have nothing further.

Mr. Chairman: There is one comment I would make. It is something that has come up with a number of deputations, and I do not understand; perhaps you can give us your opinion on this before you go.

There is always this question that it is somehow politically expedient for the parties to support this position. Yet, when I realize that you have documented a fair amount of the commentary around the 1971 election, I would have thought one would have learned, from that analysis of political history at any rate, that it was not particularly expedient for either the Liberals or New Democrats, in the earliest part of the 1970s, to have this position; and Mr. Timbrell and others have made the argument that it has not been particularly helpful for the Conservatives in 1985. I would love somebody to explain to me

why it is thought that taking this position—in our case holding it for the first time, but the Liberals holding it for some 15 years—is a particularly expedient thing for us to do when it has cost us fairly heavily at the polls.

Mr. Nicholson: It is my understanding that the Roman Catholic church has been putting pressure on members of the Legislature, and it has scared the members or the political parties that if they do not do what the Catholic church wants, those parties will lose the Catholic vote, will not get any Catholic votes. That is the impression I have of what happened to William Davis or the Progressive Conservatives.

Mr. D. S. Cooke: That is the wrong impression. I think the day and age has long since passed when any religious group or ethnic community or any other group can deliver votes to any one political party. I just do not think that is a reality in Ontario.

Mr. Chairman: It may be that we look like an intimidated group to you, Mr. Nicholson, but I assure you that the members of this committee are of their own minds and exercising their own wills in this matter. Most of us have given this a great deal of thought over the years, sometimes wishing the issue would go away and at other times feeling, as I think most of us do at the moment, that this is the time and this is the hour that we should push this thing through, even though there is no particular political victory to be gained by any of us in this matter.

Do other members have any questions or comments? No. Thank you very much for appearing before us. I appreciate you taking the time, and we have great references and quotes to turn to now for our own resources later on. Thank you very much.

Mr. Nicholson: Thank you for listening to me, folks.

Mr. Chairman: It was no trouble; our pleasure.

SCARBOROUGH COALITION FOR PUBLIC EDUCATION

Mr. Chairman: Our next presenters are from the Scarborough Coalition for Public Education. Would you like to come forward and arrange yourselves in the seats—one of which is warmed? Just have a seat and make yourselves comfortable, and then perhaps you would like to introduce yourselves.

I am not familiar with your names; which one is Mr. Greene or who is going to take the lead role here? Perhaps you would introduce the members

of your delegation and then lead us through your brief or make your comments in any way that you would like. Following that, we will have questions from the members to you.

Mr. Greene: Thank you very much. My name is Paul Greene. I am going to be the first spokesman tonight for the Scarborough Coalition for Public Education. Before getting into our brief, I would like to introduce our group and the four people who have come down here this evening. I believe each of you has a copy of our brief. Rather than belabour you with lots of quotes and piles of documentation, we have chosen to be very direct, very much to the point.

We have three philosophical objections to the extension of Roman Catholic school funding and a few specifics that we would like to get into, so we will do that. We will be brief and very direct.

As the first page of our brief will show, the Scarborough Coalition for Public Education is a group of concerned citizens from the city of Scarborough who were organized specifically, at least at the outset, for the purpose of responding to this committee's invitation for public comment on Bill 30. We intend to continue to organize and to expand our support base among the community at large. Unlike other groups that may be presenting, participation in our group is open to all people. In that we are from Scarborough, we would prefer to represent people from Scarborough; but we are definitely interested in helping the Coalition for Public Education throughout the province organize itself.

Our group came about primarily as a result of the work of Wendy White, who is sitting on my left. Wendy was instrumental in sending out about 400 letters at the end of the school year, when I guess we were caught a little bit by surprise and caught very shorthanded by many of our members being away on vacation during the summer. She sent out about 400 letters. We have had somewhere between 50 and 100—Wendy may choose to correct me on that—responses from people who are interested in representing their own home and school, parent-teacher or parent association groups. Those people are joining us as we organize. We intend to have a major organizational effort in the fall.

The gentleman on the far right is Lawrence Enfield. Larry, as well as being a lawyer and a citizen of Scarborough, is president of the Coucellete Home and School Association. Larry will be presenting the second half of our brief tonight.

The lady on my right is Dimitra Layzell, who is a concerned parent from the Bridlewood community in Scarborough. It is not the Bridlewood Community Association, of which I am a former president. They do not have a view. They represent Jews, Catholics, Protestants, the whole works, and they have decided to stay out of it, possibly wisely. Dimitra has been helping with the brief and commenting on the brief and will be helping with our organization later as we carry on.

I told you my name is Paul Greene. I am an interested person who showed up as a result of receiving Wendy's letter, co-author of the brief and treasurer of the North Bridlewood Parents' Association. That is who we are. We are glad to be here, we are glad to have an opportunity to speak, and we hope it will do some good. We mean that very sincerely.

I would like now to refer directly to our brief and you can follow along. It is nice to see that you guys are working, as we are working, on this. So many people who are concerned about this are legitimately unable to be present. As family people or business people yourselves, you understand that these hearings have come about at very short notice and they have come at a very bad time for people who would like to get their groups organized.

Many people who are particularly interested in public education coalesce at the school level, and if they are away and the schools are out during the summer, it is hard for them to organize, so I hope you would recognize that a major part of the comment from the public school system will probably come after school convenes in the fall.

Reading from our brief, we submit that the extension of public funding to Roman Catholic separate secondary schools is fundamentally wrong in both premise and concept for the reasons described as follows.

First, and under a major heading, is the whole issue of religion in publicly funded schools. The "statement to the Legislature" by the Minister of Education (Mr. Conway) on the subject of Bill 30 on July 4, 1985, refers to the "unique mission of the Roman Catholic secondary schools." He further refers to a "historic initiative...the further evolution of a dual system of publicly funded education in Ontario...our duty to proceed...our resolve to meet our objectives." We are very concerned. It is clear that the rationale for this initiative is a perceived obligation to logically extend separate school funding from a base that is rooted in historical precedent.

8:10 p.m.

The Legislature appears to have failed to consider the secular, egalitarian and multicultural development of our society over the last 100 years. Surely this is a much more relevant consideration. We are trying to point out here that we believe a constitutional deal that was struck years and years ago may very well have to be honoured, but I do not think you need to interpolate the data, so to speak, and continue with your own reasoning.

Public funding of education on behalf of one religion in such a context is clearly inappropriate. We suggest that extending the funding further, rather than being a fair and logical extension of an existing principle, is an unfair and illogical worsening of a status quo that is increasingly inappropriate. By "increasingly inappropriate," we are referring to the Charter of Rights, to the multicultural development of our society and to the multilingual development of our society. Those of you who have been teachers will be familiar with the whole issue of heritage language.

We ask the questions: how is the Roman Catholic mission unique or distinctive; why are dozens of other religions not accorded the same status? The only answer we can come up with is that the teaching of religion has no place in publicly funded education, so we are fundamentally opposed to the whole thing. One must consider that all other religious groups must fund their own religious education privately and without assistance from the public purse.

A logical extra question is: are we to assume that if our Legislature proceeds with this legislation, it is also open to suggestions from the Jewish community or any other religious community or linguistic group that it receive public funding for the extension of education beyond the basics provided by our public school system? We assume that would not be economically feasible. We think we are right in saying it would not be economically feasible and it is blatantly discriminatory against everybody but Roman Catholics. We mean no disrespect to the Roman Catholic church. Our group has gone out of its way to make sure that no anti-Catholic sentiments are welcomed or expressed.

Mr. Chairman, you asked a question about political expediency. My cohort may have a comment here and I have a comment. I do not know what the rationale for this is. Perhaps former Premier Davis is the only one who knows. I wonder offhand if the New Democrats and the Liberals some years ago thought to themselves:

"We ought to have a pie-in-the-sky issue we can complain about endlessly. We know never on God's green earth can we ever get this, so let's do it." Then, all of a sudden, Davis gets you with your pants down and you have nowhere to go. I think that probably it is politically expedient. It is a way to get yourself out. We naturally prefer that you reverse yourselves and have one publicly funded school system.

Mr. Davis: Were you caught with your pants down, Richard?

Mr. Chairman: I would rather not talk about it.

Mr. Greene: Just so the Tories do not get away scot-free, I look at a former chairman of the Scarborough School Board who—

Mr. Davis: Do you want me to give you the quote?

Mr. Greene: Yes. I am sure you have heard it a lot and you probably do not want to hear it again.

Mr. Davis: Go ahead.

Mr. Greene: I should have been better prepared and had the quote. I do know you have publicly stood against the extension of funding to separate secondary schools.

Mr. Davis: Read the whole quote.

Mr. Greene: I do not have it.

Mr. Davis: Ask the press to read the whole quote when they quote it as well.

Mr. Chairman: I am sure we will have the discussion afterwards.

Mr. Greene: I suggest that if you do not completely oppose the extension of funding, you have no right being on that school board. Nor does former candidate Carole Noble have any right being on that school board, nor did she have any right to stand for one opinion on this funding issue before she was a candidate and another afterwards. I will be glad to get into that with you.

Just to take on the New Democrats again, I have been opposed to your economic platforms but I have certainly applauded your civil libertarian initiatives. You folks would never stand for any kind of segregation in our society based on race, sex or even sexual orientation, which is going to be something else this Legislature will no doubt face before too long. I cannot figure you out. We obviously feel that the only way out of it is to back off totally, have one publicly funded school system and leave religion out.

Mr. Timbrell: Excuse me. Secondary or—

Mr. Greene: One publicly funded secondary school system. My reason for saying that, Mr. Timbrell, and I stand corrected if I am wrong, is that I believe our Constitution guarantees public funding in grades 1 to 8. Is that correct?

Mr. Timbrell: Yes.

Mr. Greene: That is too bad, but if it is there, it is there.

Mr. D. S. Cooke: Mr. Chairman, on a point of order: Perhaps we can get to the discussion at the appropriate time, but let us get through the brief.

Mr. Chairman: I think people will respond to leading comments which are not necessarily in the brief, but we will all discipline ourselves.

Mr. Greene: Let us talk about costs for a minute. The Legislature, in our opinion, has shown a complete disregard for the taxpayers of Ontario. While enrolment drops, education costs seem to spiral. Extension of funding, of course, exacerbates the problem. We feel our priorities in education must be structured so that we are all pulling together. Productivity and quality of education must be stressed. It is our obvious opinion that a publicly funded and universally accessible school system is a costly, but essential, social service which must be maintained.

We recognize that many factors are contributing to the increasing tax burden. Included in these factors are the necessity of keeping up with advanced technology and the relatively new provision whereby each student—I believe under Bill 85—will be guaranteed an education suited to his or her own special needs.

Interjection.

Mr. Greene: It is Bill 82. I am sorry about that. My wife is a teacher, and I should have known that.

July 17, 1985, was the first time this committee was given some specific information as to how this extension of funding was going to work and how much it was going to cost. The estimates, we understand, include \$358 million for operating costs in the first three years and \$67 million in the next two years for renovations. We ask the question, perhaps rhetorically, because I do not think you know either, where the money is going to come from.

Barring intolerable increases in provincial and municipal taxes, it is clear that inevitably at least some of the money must come from the existing funding to the public school system. With resources already strapped, a deterioration in the quality of public school education will result.

Just before I close and pass on to Larry, I find this very troublesome. We have been through some very difficult times economically lately. Somehow we are going to be spending more money for either the same or fewer services because of the unnecessary duplication. Where is the respect here for the taxpayer who perhaps does not currently have children in the school system? Where is the respect for the taxpayer who just does not agree with this issue at all?

As well as being philosophically wrong, we think there is an economic issue here that has not yet really been addressed. You guys can blame it on whomever you want. You have been passing it back and forth now since the election, and presumably it will continue.

With that I would like to ask Larry Enfield to pick up and finish off our presentation.

Mr. Enfield: I will speak briefly about our complaint about the procedure that has been followed in this whole issue and also mention a couple of specific points that we noticed.

The successful operation of our educational system depends in large part on the co-operation of all parties involved, and the role of parents is essential in that process. We submit that many parents have been alienated a little bit by the procedure that has been followed in bringing this issue forward in a backwards fashion; that is, only recently have we seen legislation, yet there has been a commission of implementation appointed, funded, given standing and set loose in the province long ago without one word of legislation or public debate.

Perhaps we are being a bit cynical in this regard, but it is evident to us that the decision has already been made. That is clear in many cases in the minister's statement to the Legislature when the legislation was introduced on July 4. The decision has been made and really it is just a matter of working out the details. While we are gratified to have the opportunity to speak to this committee, we have some kind of cynical feeling about what good it is all going to do in a fundamental way.

8:20 p.m.

Nevertheless, the point I would like to make is that this cannot possibly be the way we ought to be governing ourselves; that is, if we seize on this idea that because it looks as if all three parties support it, then let us do it. The next thing you know it is just a matter of working out the details. We will appoint a commission and figure out how we are going to do it. We do not really know yet how much it is going to cost or how we are going to pay for it. We do not have any

legislation, but let us go ahead with it and then later on we will have legislation and debate. That seems to us to be doing it backwards.

We do not commit ourselves to spending money in that fashion in any other area. This seems to be a bit of an aberration. Perhaps that is recognized, but I would like to make the point that it is a concern of ours as well.

I would like to mention also that we perceive a great difficulty in discussing this issue. The reason it is a sensitive one is the perception that anybody who speaks against the proposal is ipso facto a religious bigot. That perhaps presents a political problem to any member of the Legislature who at least might have mixed feelings about the legislation, but for that reason might be a little afraid of expressing them.

We are sensitive to that kind of criticism as well. All we can say is we believe the concerns we have raised are legitimate ones of nondiscrimination, fiscal responsibility and also the proper way we should educate our children. It has nothing at all to do with religion in general or religious intolerance in particular.

Notwithstanding that, we have grave concerns about the bill itself. I am going to point out a couple of specific criticisms we have about the legislation.

First, it contains no requirement that separate school hiring practices for all of their employees will not include religious or lifestyle considerations. We see no reason those employees should be treated any differently to employees of every other public institution in this province; yet the legislation contains no statement of that principle.

Second, any non-Catholic student attending a Roman Catholic secondary school should have a complete option to be exempted from religious education. There is a fairly narrow area in which an exemption is permitted, in areas of handicap or program or distance. We feel that is too narrow. If students are going to a publicly funded school, we think the students and the parents should be the ones who decide what religion, if any, the children are going to be taught, and not the government.

However, the problem is, and we come back to it, even given that, even if that were the case, what you wind up with ultimately is two parallel systems of public education. To us, that just does not make any sense. If you are going to design one from scratch, that is not something we think you would choose.

In conclusion, we suggest again that the bill be withdrawn and that ultimately consideration be

given to a unification of the public secondary school system. In the brief, we draw your attention to the Charter of Rights because it happens to be with us now. We think it should apply to public education as well, that is, we offer public education without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Mr. Chairman: Are there any further comments before we go to questions?

Ms. White: No, but perhaps I could say a little bit about the process this has gone through. This was discussed generally by members of our committee, perhaps about 15 people, who indicated an interest in helping to write the brief. They discussed the general principles. Paul and Larry wrote it and then brought it back to the committee, which has approved it; so it is very much coming with the approval of a large number of people representing very different backgrounds in Scarborough.

Mr. Chairman: Do you have anything you would like to add?

Ms. Layzell: Not at this point. I would like to ask you a question later when it is appropriate.

Mr. Chairman: Let us do that in the exchanges as the members indicate they want to be on the list.

Mr. Allen: First, a question about the composition of your group. Are any of you on your coalition official representatives of specific organizations? Is your coalition a coalition of individuals or is it a coalition of groups?

Ms. White: I would say it is a coalition of individuals. We have gone about getting to those individuals through the groups. We have names of community associations and parents' associations and so on, and we have sent out invitations to them in the same way we did to the ministers of all the Protestant churches in Scarborough. Then they asked people who were interested to come along.

In some cases, we have fair numbers of people from particular associations, but very few have gone back to them and joined as an entity; so I would say it is individuals.

Mr. Allen: Do you have official authorization to represent any organization?

Mr. Greene: There are at least two of us here who do. I represent the North Bridlewood Junior High School Parents' Association.

Mr. Allen: Is that by a formal motion of the organization?

Mr. Greene: Yes. Larry Enfield has obtained permission to represent his Courcelette Home and School Association.

Ms. White: The teachers who are members of this have taken that back to the teachers' council and it has been approved by that group as well. There are also four regular attending trustees on the Scarborough Board of Education on this committee.

Mr. Allen: Do you have a formal membership of individuals?

Mr. Greene: Yes, we do and we are trying to make it larger.

Mr. Allen: How big is it?

Mr. Greene: Right now we have about 50 people involved.

Mr. Allen: Thank you. I just want to get some sense of what you represent and so on.

Your last speaker made a comment, if I heard him correctly, that parents should determine the religious instruction of their children and not the state.

Mr. Enfield: Yes.

Mr. Allen: What does one do, Mr. Enfield, when a very substantial minority over a long period in the history of a country wishes its children to have religious education in a certain way and be educated in the context of a consistent value system as determined by religion? What significance does that have for organizing religious services in a community?

Mr. Enfield: It represents a status quo you have to live with. It exists and that is the way it is. We are talking about extending it.

Mr. Allen: Therefore, we are at a point where we have acknowledged historically there exists a major community that prefers to have its education delivered in that fashion in this province, and that is something you and I are prepared to live with for now.

Mr. Enfield: I am prepared to do so. Are you?

Mr. Allen: If one accepts the legitimacy of that, in the sense the Ontario public has accorded that group that right, in the history of principles that have been affirmed by Ontario in its public policy, is it being denied, qualified or compromised by extending it for two more years? If it is right to grade 10, what is wrong with it for the whole system?

Mr. Enfield: I am not suggesting there is anything right with a capital R. I say it is there and we have to live with it. I think it is wrong with a capital W, but it is there.

Mr. Allen: You do not think it is legitimate with a capital L.

Mr. Enfield: It is certainly legitimate, simply because it is something that—

Mr. Allen: It is a serious question because, obviously, the public has to address it. What in the past has supported its legitimacy? One has to ask oneself whether that legitimacy does not extend to the past practice of the community.

Mr. Enfield: Legitimacy is a flexible concept and it varies with the context of the culture as it develops. It seems to me that legitimacy is heading in the opposite direction.

Mr. Allen: If one seeks out the touchstones of civil liberties in the modern world, I suppose one would refer to the Universal Declaration of Human Rights of the United Nations, for example, in which there is a significant declaration that parents have the prior right to determine the form of education their children receive. If one were applying that in Ontario with regard to the Catholic community, would it be consistent or inconsistent to permit extension of the system now or at any time?

8:30 p.m.

Mr. Enfield: There is nothing to prevent any particular religious group from educating its children in any way it chooses. It is a question of how a government representing all of those religions and using money from everyone chooses to educate all of its children and how best to do that. No one is suggesting anyone should be prevented in any way from providing religious education in a structured or unstructured way.

Mr. Allen: You do not think that constitutes any claim on the public.

Mr. Enfield: No, I do not.

Mr. Allen: That is an honest opinion.

Mr. Greene: I believe I addressed that question while I was speaking when I said there is nothing illogical or inconsistent with what is being done, provided it is extended to every other religious group and if public funding is extended to all religious groups equally, I suppose in proportion to population.

Our specific point is that it is not being extended to all religious groups. It is, therefore, discriminatory in favour of one religious group that it should receive an extra level of public funding. If we are going to do it, we would have to get back to the whole issue of whether we do it for all and then get into an economic debate.

Mr. Allen: Would we not also get into a discussion of public accountability?

Mr. Greene: Of course.

Mr. Allen: In that case, what is your sense of where the other religious systems and private schools are with regard to public accountability which you propose we would have to be consistent about when extending funding?

Mr. Greene: It is the opinion of this group—I will leave my own personal opinion out of it—that no religion should be taught in school and no private school should receive extra public funding over and above what is provided through the public system. We want religion left out of schools absolutely. As we note in the last paragraph of our first point, one must consider that all other religious groups must fund their own religious education privately and without assistance from the public purse.

Mr. Allen: Now you are slipping off the question, which was the question of consistency. What is the ground upon which you perform that consistent act of extending funding to all equivalent groups? I was asking the question of you about public accountability structures and the fact that they do not exist for those other systems. In fact, there is a great debate in the private sector among different religious school systems as to whether they are prepared to accept all the public accountability structures.

What I am asking you is, how can we extend legitimating legislation for the public funding of that other sector you are referring to, when there is no agreement in that sector about the public accountability structures that ought to accompany the extension?

Mr. Greene: Your question seems to imply that there is uniformity and absolute agreement among the Roman Catholic community. I suggest that is not the case.

In direct answer to your question, if one is to extend public funding to religious schools—and we do not think you should at all—they have to be universally accessible to all people without restriction. That would be our point on that. We did not really get into a lot of discussion on that, although we had one speaker—she is sitting behind us now; I forget the lady's name—who had that point. We chose not to emphasize that because we wanted to make the main thrust of our brief the leaving of religious teaching out of publicly funded education.

We go back to the comments earlier that we have to live with the Constitution. There is funding for primary education to grade 8. That is entrenched in our old British North America Act. We do not like it and we think it is wrong. It has been 117 or 118 years and we can theorize for the

next 117 or 118 years as to why that happened. The point is it is there, but one does not have to make the problem worse.

Mr. Chairman: Mr. Allen, if you pursue that line any further, you are basically asking the group to deal with issues it has chosen not to deal with because of its basic position.

Mr. Guindon: You say it is fundamentally wrong that we have it from grades 1 to 8 now in the separate school system.

Mr. Greene: To be consistent with our view of believing there should not be a publicly funded religious school system, yes, we believe that is wrong, but we know we have to live with it. In the same way, there are many people in this country who have to live with geographical boundaries that were drawn 100 years ago. There are certain things you have to live with. We do not choose to quarrel with a historical precedent that has been there for ever. What we object to is the extension.

Ms. Layzell: If I could add a point to that, I do not think anybody in our group is fully aware of exactly why it was set up that way at Confederation. However, the way our culture has evolved in 118 years, it has become multicultural and multi-religious. To extend separate school funding today, in the context of the way our culture is today, we believe is incorrect and wrong.

We will accept what has happened in the past, but to extend it is to extend something that does not fit in with our society today. If you do accept it, you have to go all the way and extend to other religions.

Mr. Offer: Does the question put to the Court of Appeal not go a long way with respect to coming to grips with your concerns on the fundamental question of extra funding?

Mr. Greene: Yes, it does. We would dearly love to have dealt with that whole issue of constitutionality in our brief, but we felt it was a bit of a moot point. We do not have any influence over the Court of Appeal, nor, we hope, does any elected group in our society.

Mr. Chairman: Not in recent history.

Mr. Greene: Not in recent history, okay. Yes, we think that goes a long way. You raised that issue. I now ask you, why is this Legislature proceeding with legislation? Why is this Legislature giving standing to an implementation commission even before that issue is settled, and why is the current government basically using a back-door approach—please excuse the editorial comment—to extend granting?

There is not even going to be any legislation in effect before the money goes out the door. We taxpayers are not getting that money back. If the Court of Appeal says you are wrong, and if you further go to the Supreme Court of Canada and it says you are wrong, we do not get that money back. You, as a Legislature, are not accountable to the people of this province in that regard.

Mr. Chairman: We are ultimately accountable for it in a very direct way.

Mr. Greene: It is to be hoped.

Mr. Chairman: We are; we run for re-election. Does anybody want to respond to the question that was just put, or does anybody feel in a position to? If not, we will continue.

Ms. White: I would like to add to that. I do not think any of us wants to see our education system determined by the courts. While it is the hope of this group that the court will say it is discriminatory to choose one religious group and fund it publicly and not any other group, if that meant, by extension, that every religious group were to be funded, it would mean the downfall of our public education system. That should be a decision made by our government and by the people, not by the court.

While we will respect the decision of the court in this, it should be a democratic process to choose the system of education and not something where it has to be submitted to the Court of Appeal to say what is going to be constitutional and what is not.

Mr. Chairman: It was going to the Court of Appeal either through the government or through people who opposed it, one way or the other, so I do not think that process was avoidable.

8:40 p.m.

Mr. Allen: I observe that when you use the words "We have moved into a new era in which preserving the status quo is increasingly inappropriate," you seem to be speaking collectively for all of Ontario. Does that statement not reflect what one calls the sort of progressive or modernizing world view that by moving in a certain direction, things are getting better and better and the public education system is what takes you there?

Does the statement not ignore the fact that there is another very respectable perspective on contemporary life which wonders about the complete secularizing of education? One finds it not only in the Catholic community but in many religious communities. There is an alternative philosophy of education that is very respectable in educational circles, that a child does perhaps

grow best and learn best in a consistent value system; then there is the other philosophy that the public system accepts, which is that growing in the midst of diversity and conflicting values is a maturing process.

Those are two very respectable educational philosophies for us to be embedding, to have as alternatives passed on to us from our past in Ontario. There is an option for people to move between one and the other. It is essentially a good thing that has been bequeathed to us from the past. It is more in the combination of those two, if you like, in the emphasis, than in the overwhelming power of the majority system that Ontario is benefiting from its educational history.

I wonder why that is not a perspective we need to keep in our minds as we look at where we are going educationally in Ontario. That does respect, in my view, the play of diversity and the play of plurality, which you have said is so central and which I think is so important in our contemporary life.

Mr. Greene: I agree with you that those are two very respectable educational philosophies, but you are inconsistent. To use the baseball analogy, you are caught between the bases. You cannot stop at extending public funding to one religion; it has to be all or nothing. That is our point.

Nobody needs to get overly emotional, but you can certainly see what discrimination does to a society. You see what is happening in South Africa today. That carries Canadian fairness to an absolute extreme, but it is blatantly unfair that one religion has a secondary school system that is fully publicly funded and others do not. It is unfair, and that is our main point.

Ms. Layzell: There are many people in our society today, working adults, who do practise their own religious and cultural beliefs every day as they work. We are saying that when you extend that to education, you have to extend it to all religions. It is unfair to extend it only to Catholics.

Mr. D. W. Smith: Mr. Greene touched on this a little bit. Some might laugh at the question, but do you have any Roman Catholic supporters in your group, or do you talk to Roman Catholic supporters who are not in favour of the funding?

Ms. Layzell: I have spoken to some in the community, yes.

Mr. D. W. Smith: But you have no members in your group.

Ms. Layzell: Yes. One of the members of our group, a public school teacher, is a Catholic who

has been very active in opposing this and has spoken to me a number of times and to various other people.

Mr. D. W. Smith: I do not know what percentage of people you believe are in favour of this. There are some school boards that do not have funding in the high schools. If both systems were treated in exactly the same way, what percentage of the Roman Catholic supporters do you think would accept funding on the same basis as the public school system?

Mr. Greene: I believe that is a hypothetical question that cannot be answered. I cannot give you that answer.

I would like to answer one of your first questions, though. As a group, we do talk to Roman Catholics who have some philosophical disagreement with the legislation. Yes, we all have, and it was a very important part of the first meeting we had at the Armenian centre on Markham Road in Scarborough.

There are two schools of thought. Some Roman Catholics we all know—and I cannot say they represent a significant portion of the population or any specific group—agree with us that there should not be religion in the schools. Some of those same people believe that if the government is going to have any influence over the quality of religious teaching their children receive in the Catholic school system, they want out. I guess they take the St. Mike's school of thought that if there is going to be public interference, they want out; they will go strictly private and be a privately funded Roman Catholic secondary school.

Mr. D. W. Smith: I will leave it there right now.

Mr. Chairman: Tonight, of course, you are meeting non-Catholics who are taking a position opposite from you. I am not surprised there is diversity of thought in this.

Mr. Davis: I noticed on page 3 a comment on Bill 30 in which you stated: "In the words of the Charter of Rights, we must offer education 'without discrimination, based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.'" Would you explain to me your position as a coalition on that statement about religion in the school system and specifically in the public school system?

Mr. Greene: Are you asking us to explain why we put that in?

Mr. Davis: You made a statement a few moments ago in which you said public education should be void of any religious instruction. I

want to know whether that is your position as a coalition.

Mr. Greene: As a coalition, we did not differentiate between no religious teaching and equal religious teaching for all religions. We did not discuss that.

If I can just elaborate for a second: From my discussions with people from this province, from outside this province and from outside this country, I understand there are some publicly funded school systems that teach religion as an academic subject as opposed to participatory theology. Is that the right phrase? We did not address that issue. Our position is that there should not be a particular theology followed in the teachings of the curriculum.

Mr. Davis: The reason I ask is that I would like to quote to you. I am not sure you want to remove any inference of religion on the public school system. I just want to clarify that for my own thinking.

I cannot find the opening exercise—that is what I have been looking for—but every school system in Ontario, unless permission is asked not to be afforded the opportunity, must open its school day with the Lord's Prayer, the national anthem and a scriptural reading of some kind; in the Toronto board it is a prayer.

Section 235 of the act, which deals with a teacher, says he or she is "to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality." If you do a short bit of research, you will find numerous groups have asked that this statement be taken out. However, except in the area of extension of funding, the Minister of Education (Mr. Conway) probably has never had as many responses saying, "Do not touch that."

In effect, that is inherent in the public educational system. You are not asking to remove it; you are just asking that it should not be a denominational thing?

Mr. Greene: The reason we did not discuss it was our blanket opposition to the extension of funding to Roman Catholic schools. However, it is a good point. It could have been constructively debated, but we did not do it; we did not talk about it.

Mr. Davis: Thank you.

Mr. Chairman: That is a recurring debate around here from time to time. I know.

Thank you for your appearance tonight. I want to ask one question of you to try to get a comment on the whole question of the process. A number of us are disturbed that this whole process has not

seemed to be more open and accessible to the public than many people are telling us they feel it has been. Things such as having these hearings in April or March, or whenever, instead of an election, or even having them in May when the government came back, could have made that process seem more open and participatory.

8:50 p.m.

Let me say a few things. One is that the notion of establishing commissions without legislation is one for which there are precedents going back to the beginning of time, as there is for the regulatory or cabinet order method of proceeding with something as legislation comes up. That is not extraordinary in that sense; it has happened before.

Some people confuse our system as a Legislature in terms of when we hold our hearings. Although on occasion we do hold hearings on drafts or white papers, the legislative process requires us to hold public hearings on a bill after there has been debate on the principle of a bill and it gets second reading. While there is rarely as much unanimity in the House as we saw on this bill, that is when we go to the public and ask them for input.

Although we are here to deal with the particulars of the bill whose principle has been passed, that does not stop people from coming to make their appeals on the principle. In fact, there have been times when governments have backed down from the principle, even though the committee was charged with deal with its details. In that sense the process is still going on and open to people to participate.

Because Courcette is in my riding, I am aware of the action you, as a school, took around this issue. You held a public meeting. You had people from the implementation commission there, as well as a local member whom you put on the hot seat and people from parent-school associations. You developed that process. As you probably know, I convened meetings before the election to talk about this issue and others around public education, and during the election there was a lot of input at the all-candidates' meetings.

I accept part of your notion about the process being curtailed or not seeming to be open. However, would you not say that you and your organization, which I gather you are representing within the coalition, has had a fair amount of time to look at this and has looked at it a lot? I know the bill came up later, but you have dealt with this issue and involved yourselves fairly actively in the democratic process up to this point.

Mr. Enfield: That is true, but I have to respectfully dissent a little from what you say. The problem has been that there has been nothing to react to except some kind of vague notion that this was going to happen. There was a definite feeling that a decision had been made and something was going on, but nobody knew exactly what. None of the details, such as what form it was going to take or the costs, was known.

We tried to have meetings and have people explain, but you never get any answers. You do not know. Now we are starting to know, but it is a year later. It rubs me the wrong way. There should be a little more open discussion about something like this a little earlier.

Mr. Chairman: Even legislators felt they would have been more at ease in discussing this matter if they had had the legislation in front of them rather than the principle. Two of the parties had it already in their platforms, and then the other party added it to its platform. We, as well, had little to go on besides the principle for a long time. Your point is well taken.

Mr. D. S. Cooke: The concern is that groups such as the coalition were not dealing with the specifics of the bill. You did not need Bill 30 to present your brief. Your brief is totally on the principle of extension of funding.

Mr. Enfield: We do not have an opportunity to present a brief until we have legislation and then we have hearings. When do we do it? We have public meetings, and maybe somebody comes and maybe not.

Mr. D. S. Cooke: The political process takes many forms. One of them is appearances before standing committees. Other parts of it are dealing with local members, home and school clubs and all the rest of it. Those are all important aspects of debating a public policy such as this one. The majority of the discussion on issues like this is not on the specifics of the bill; the majority of the discussion is on the principle. That is what your brief is.

Mr. Enfield: It certainly is, and I do not think we should make any apology for not trying to discuss it earlier with other people or somehow forming a group earlier. I thought the apology should go the other way for not giving us a little more time to deal with it.

Mr. Greene: With a charter challenge to the Court of Appeal and possibly the Supreme Court of Canada, with the obvious dissent and disgruntlement of the people and with no legisla-

tion in place, why can you guys not agree to put this thing on the shelf until it is all settled?

Mr. Chairman: It is an option a government could take if it chose to; but the Legislature was presented with the bill and asked to give it second reading, and it is our charge to deal with the matter before us. The government at any time can choose to withhold final enactment of legislation until charter or constitutional challenges are through.

If governments did that on all legislation, you would never get anything done, given that we all take the point you make for granted: that if this is termed either ultra vires or contrary to the Charter of Rights and Freedoms, money will have been spent that will not be retrievable, as you say. It will have to be rechannelled after that. It is the decision of the government and of people who at this point believe commitments have been made and must be pursued this fall. As a committee, we are charged with trying to make that legislation as good as it can be and as equitable and as fair as possible to all involved.

I sense a bit of frustration. You are dealing with only the principle, although you did touch on a couple of elements of the bill. That is what the committee must be ready to hear a lot of this summer, because of frustrations with process and that kind of thing. We will try to be as open as possible with all groups that come before us in hearing all their concerns and in responding to questions such as you just asked.

Ms. Layzell: When presenting other legislation that may not be as contentious as this bill is in the public domain, your process might be appropriate. In this instance, it has been highlighted to the public that it is inappropriate because so many people are opposed to doing it in this fashion. It may be expeditious in other cases where it is not a significant issue. This one is, and we do not see this as the right way of handling it.

Ms. White: I would like to comment further about the process. As a teacher, I have been involved in activity in trying to express my opinion about this since about last October by writing letters, signing petitions and being involved in writing briefs to the commission. It seems as if I have spent the last year doing this.

The process relies on having opposition in the Legislature so there is somebody you can turn to and say: "We do not like what the government is doing. Will you give us some support for this?" Part of the frustration we are all feeling is that we have been very politically active but nobody is listening. Everybody has agreed on the opposite

point of view. We have been to all-candidates' meetings; we have raised the question; we have written letters, and we have visited our MPPs. However, nobody is listening.

Mr. Chairman: I do not think you should confuse "listening" with "agreeing."

Ms. White: All right. The fact that all three parties have made it a stated position that they agree to it has made it a difficult process. The Legislature operates on the basis of there being an opposition and in this case there was none. It is difficult to deal with.

Mr. D. S. Cooke: Put yourself in our shoes. For 15 years we supported extension of grants and we were in opposition. Then the government agreed with us. Are we supposed to switch our position for the sake of being in opposition?

Mr. Chairman: There are those who would say the New Democratic Party's mentality is only to oppose.

I would like to thank you very much for coming. We are running fairly late. Do you have one more comment you would like to make?

Ms. Layzell: As an individual, I did not become involved in this issue until the government changed hands. The day after the government changed hands I placed my first phone call. I felt it was not relevant to do it when the Conservatives were in power, knowing they would not be there for long.

Mr. Chairman: Then you are a great seer.

Mr. Timbrell: When did you first figure that out?

Mr. Chairman: Get that woman's number. Who needs polls?

Ms. Layzell: It was not worth commenting on and it was not worth voicing my opposition because the government was going to change hands. You have to get to the right people in power.

Mr. Timbrell: I have listened to a number of these comments since the committee began, and over the course of the last 13 months. Having been a member of the cabinet and the caucus that approved this a year ago June and dealt with it, ever since I have kept thinking whether there was some other way the issue could have been introduced or the decision on the principle could have been introduced. I am not at all sure there is any other way.

9 p.m.

You may fault my party and the government of which I was part in terms of the timing, although it is public information that even having stated

the principle, our ministers of education and officials went through many drafts of the legislation and still had not got it to a point where we were satisfied. Even now, as we look at the third draft by the new government, there are points that give us concern and we will debate them. After all the decades and centuries of debate in this country on the issue, I am not at all sure there is any other way you would have been any more or less satisfied with another process on the principle.

Ms. Layzell: You are quite right. There may not have been any other way. But we are saying at this time, knowing the amount of public dissatisfaction there is, the process should be delayed rather than doing it in the fashion that is taking place.

Mr. Chairman: Thank you very much for taking the time to have an exchange of views. We enjoyed it a good deal.

RENÉE MARGOLIN

Mr. Chairman: Ms. Renée Margolin is our next deputant, and the committee will be happy to know our final one this evening.

Please come forward. There is no written statement for committee members. This will be an oral presentation. Take a seat and make yourself comfortable. The microphone is right in front of you. You do not have to lean forward to it; just speak in this direction. Let things calm down here for a second. I do not know if you have presented to a committee before, but as you have seen, it is fairly informal. When you have had your say, we can open it up for some questions of clarification from you.

Ms. Margolin: Thank you very much. I would like to state that I am not representing anybody but myself. I feel very strongly about this subject. I am totally against my tax money being used for anything but public school funding. I feel the funding for Bill 101 will suffer and it is an intrusion on my constitutional rights to have to support a religion that is not my belief.

I would like you to tell me how the government will funnel my taxes without undermining my rights as a taxpayer, because I am so against my money being used for anything but public school funding. When I get a tax bill from the metropolitan government, I am asked whether I am a public school supporter or a separate school supporter and I put down that I am public school supporter. So my money is funneled through the public system. When my money goes to the provincial government, it does not seem that I have a choice.

Mr. D. S. Cooke: That is the case now though with the elementary system.

Ms. Margolin: Until I came to this committee, I was not aware of the long-standing charter that the separate schools were provincially funded. Maybe it was my lack of research. One learns something new every day.

I feel very strongly about this and I think something has to suffer. I do not think we can afford to be taxed any more. I heard on the news today that the Ontario Public School Teachers' Federation is complaining that it does not have the proper textbooks and there is going to be a committee to look into this. I do not know what else I can say.

Mr. Chairman: Is that all you would like to say at this point?

Ms. Margolin: If anybody has any other comments to make, I want to know how my taxes will be divided from now on, because I am really against this continuing to fund separate schooling when I can see public schooling suffering.

Mr. Chairman: Would a committee member like to take a shot at this?

Mr. Reyecraft: Ms. Margolin has expressed a concern we have already heard from others and I am not sure whether anyone has attempted to address the question. It is important to point out that the grants the Ministry of Education provides to all schools are generally based on the number of students in the school system. Given that, along with the fact that separate school supporters pay taxes to the provincial government as well, it is not unreasonable to assume there should be some proportional balance between what is paid in provincial revenues to public and separate systems.

Ms. Margolin: You are now talking about separate systems.

Mr. Reyecraft: I was speaking of the Roman Catholic separate school system.

Ms. Margolin: Yes. However, when you said separate systems, I thought you meant Canada has become a country of many ethnic origins now and you are going to have an awful lot of people saying, "Support our system because we have quite a large population and we want our children to be taught under our system." We have, I believe, two mosques in the area where I live, so obviously we have quite a few people of eastern religions. They will say, "Look, we have a large majority here, we want our schools funded." How thin can we spread our money? I am just wondering, sir.

Mr. Chairman: I think Mr. Reycraft was just trying to give you the answer in terms of your dollars, and basically saying that because the payment follows the students it is quite likely your money is actually going to support the public system, or could be separated out that way and not necessarily going to support the separate system. What we are doing here will not change that dramatically.

On the other question, with respect to requests from other groups, Mr. Allen would like to reply.

Mr. Allen: I would like to respond because I think it is a very serious and important question. I do not think we should imagine those requests are going to begin now because of Bill 30. For many years, we have had requests from a number of groups which have sponsored schools—sometimes to the extent of their having virtually school systems of their own—and have wanted public funding. To date, for a variety of reasons the government of Ontario has said, “No.” I can go into the reasons if you wish, but the point I am trying to emphasize at the moment is those are long-standing requests.

9:10 p.m.

What is essentially different about the Catholic system is that providing public moneys for Catholic schools goes back to the very beginning of funding public education in Ontario.

When the first legislation was passed in 1841 it provided for not just the public school tradition as we began to know it but also for Catholic separate schools, which were considered public education because they were provided for by public money. That, through our history, has been a considered response and it has been affirmed in legislation, decade by decade, through our history. It especially has been the case with the British North America Act in 1867 that protected all of the rights that had accrued to education systems and groups that had education rights by law prior to 1867 and gave them a constitutional grounding.

So there is a special reason why the Catholic schools in Ontario get public money. That is not something that other groups can appeal to. Whether it is right or not that they should have funds accorded them is another debate. It is not, specifically, the same debate as one conducts around the separate school system and that is why this is being dealt with separately. Whether we get to the other question is an open issue at this time, and how we respond to it will be an open issue.

Our party has said over time that yes, we are prepared to support the extending of public

moneys to the last two grades of the separate school system because of all these other reasons, but as long as private schools, whether religious or otherwise, remain private schools, we are not prepared to extend public money to them. That is another debate and the ground on which one discusses it is slightly different than the ground on which one discusses this. Does that help? At least it is the way we have tried to think about it.

Ms. Margolin: Yes, it does, as far as the fact that I did not realize this funding was given under the original Constitution is concerned. It surprises me; the country in general is going through a large economic crisis and Ontario which is, one may say, the largest province and the main province in the whole country, seems to be instituting something that is quite secular. I just hope that it will not raise our taxes to go for something quite secular, because there are so many other things.

I am very personally concerned about Bill 101; I believe that is the number of the bill that accords education to children with learning disabilities, etc.

Mr. Chairman: Bill 82.

Ms. Margolin: Bill 82, sorry—I feel it may suffer.

Mr. Chairman: A number of people have raised this concern and a number of members of this committee have a concern that this extension not be used to in any way take away from the public school system or the kinds of extended funding, for children with learning disabilities, etc., that Bill 82 would cover. One of the principles that is enunciated early in this bill is that that should not happen.

I can assure you there will be a lot of discussion with the ministry about that over the next little while and we will be sure—through Mr. Greene and others—and will be assured that will not take place and that there will be appropriate funding for those kinds of programs, because there are many changes taking place in the public system, as you note, which are putting on extra pressures.

In regard to there not being any extra cost to the taxpayer, I do not think anybody would be able to guarantee that. We will see a budget in the fall which might give us some indication about whether or not this funding will have any impact because of other factors that are out there.

Are there any other comments you would like to make?

Ms. Margolin: I am very interested in finance and I hope this money will not be taken from

somewhere else, because I cannot see where you are going to get it.

Mr. Chairman: That is the challenge in government at all times.

Ms. Margolin: It does not make sense. With so many things in government that seem to need money I cannot see that anything new being instituted can be properly funded without taking the money from somewhere else. I hope it is not from our pockets because I do not think the taxpayer can afford much more.

Mr. Chairman: I cannot tell you where it will come from. We talk about fiscal restraint, yet it always amazes me that money appears to be available for things like domed stadiums, or the purchase of shares in Suncor and other things, without taxes being raised. I have always thought that is one of those minor miracles that probably proves there is a deity.

I do not think you should presume that a minority government that is in power for the first time in 42 years is likely to go out raising taxes enormously if it wants to get itself re-elected for a second term. There is that major impediment to an increase in taxes. You should be feeling fairly secure or at least be making the new Treasurer (Mr. Nixon) aware of your concerns.

Mr. D. S. Cooke: These guys get their marching orders.

Ms. Margolin: I certainly hope we can rely on you. Personally, I think there has to be an opposing government in Ontario to what there is in Ottawa. It might keep people on their toes.

Mr. Chairman: I have always found that any government here has been able to oppose the government in Ottawa, even when it was the same party. We appreciate your coming before us. I do not know whether this is fair but because you are living in the region—I do not know if you have cable—if you want to inflict more of this on yourself, I encourage you to do so and to contact us with any other ideas you might have over the next little while.

Ms. Margolin: Thank you very much.

Mr. Chairman: Thank you for appearing.

We will adjourn after I thank the members for not smoking today. It went very well. Nobody had any major twitches or nervous breakdowns. I think we will continue it tomorrow. We will meet at 10 o'clock in the morning.

The committee adjourned at 9:18 p.m.

CONTENTS

Tuesday, July 23, 1985

| | |
|--|--------------|
| Education Amendment Act, Bill 30, Mr. Conway, adjourned | S-261 |
| Adjournment | S-278 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
 Davis, W. C. (Scarborough Centre PC)
 Guindon, L. B. (Cornwall PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Offer, S. (Mississauga North L)
 Reycraft, D. R. (Middlesex L)
 Smith, D. W. (Lambton L)
 Timbrell, D. R. (Don Mills PC)

From the Scarborough Coalition for Public Education:

Enfield, L.
 Greene, P.
 Layzell, D.
 White, W.

Margolin, R., Private Citizen
 Nicholson, J. W., Private Citizen



Committee
No. S-11

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Wednesday, July 24, 1985
Morning Sitting

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, July 24, 1985

The committee met at 10 a.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the meeting to order. I see a quorum. I thank the members again for being prompt in their attendance. We managed to get through yesterday without smoking. Perhaps we will give it one more day's try. You did not become too irascible so I think we should try to maintain that standard.

I read in the Toronto Sun today that one of our deputations had some concern about the Minister of Education (Mr. Conway) not attending the full hearing yesterday. I should explain to deputants and those in the audience the nature of the proceedings here. The minister often does not attend at all on discussion of legislation. Mr. Conway has said he will try to be here as much as he can, but with other ministerial duties has to leave on occasion.

He informs me each day when he expects to be here and when he expects not to be here. If at some time the minister has to leave—for instance, he is not here this morning because there is a cabinet meeting—it is not because of disrespect for any group. I know he will always try to stay as long as somebody is presenting, but he does have other things he has to do. It is the committee that is charged with this matter at the moment, not the minister. He is here as a courtesy to us.

ELIZABETH AND HOWARD MOUNTAIN

Mr. Chairman: I would like to ask Mr. Mountain to come forward and make his deposition, exhibits 24 to 24-C, for committee members. We had a chance to meet in the hallway, but I have not met your associate. You are Elizabeth, are you?

Mrs. Mountain: Yes.

Mr. Chairman: When you feel you are settled in and ready to go, please take us through the material any way you like.

Mr. Mountain: I would like to thank the committee for this opportunity to be here. From talking to some of the staff, I gather you are going to be at this until mid-September and I appreciate

that we have half an hour. That is not a lot of time, but given all the people you must see, it is a generous amount for us.

If you go through the material we have provided, you will appreciate there is no chance that we can cover the real topic we are going to propose to you this morning in half an hour. What you have to accept on faith may be cleared up if the committee wishes later on to entertain another kind of communication to look more closely into the elements we are going to discuss today.

I am Howard Mountain and this is my wife Elizabeth. Elizabeth has been a teacher for some 20 years. She has qualifications in psychology and guidance and has been involved in the education of gifted children from junior kindergarten to grade 13.

I am a military person initially, which is pertinent to what I am going to say. I have been in the media and have been the program manager or director for the Metropolitan Education Television Association, if some of you remember that long-distant affair. I was the first person on the ground in the ministry, then the Department of Education, when the Ontario Educational Communications Authority was formed, now known as TVOntario.

I have been teaching gifted children for some 16 or 18 years from junior kindergarten to grade 13 and have been involved in education for virtually 35 years. A good deal of my function in the military was also in the education area.

This morning, we would like to talk to you about a project which we think is pertinent to this proceeding. We feel it is pertinent because it follows an edict that was set out by the minister in his opening remarks. In those remarks he quoted a gentleman we all know:

"So long as I have a seat in this House, so long as I occupy the position I do now, whenever it shall become my duty to take a stand on any question whatever, that stand I will take, not from the point of view of Roman Catholicism, not from the point of view of Protestantism, but from the point of view which can appeal to the consciences of all people irrespective of their particular faith....by all people who love justice, freedom and toleration."

As you probably recognize, these are the remarks of Wilfrid Laurier and were contained in the statement by the minister to the House on Thursday, July 4, 1985. I read them because this is the purpose we have here—not in any way to take sides or to express a partisan position on theistic, secular, or political grounds or any other grounds, but to try to have you appreciate an offering we have, which we feel is going to be useful in the extension of your resolution of this problem. Perhaps it will finally be useful also in the improvement and development of the school system, supplying a better service to the children of the province, which is after all the base of everything that finds its way to these halls and is deliberated here.

I refer to a thing we have chosen to call the Matrican Learning System which is a composite of matrix and Canada. It is a system which enables children, or anyone of any age, to discover their learning efficiencies, that is the personal things they know that enable them to learn with ease, then to match with those the learning opportunities that are presented by the system, be it the teacher or beyond, so that the content, process and personality elements of that communication are improved to a considerable extent.

The origins of this system go way back to a time when necessity made it critical for me to find some answer to this problem. It began in 1952 when I had 16 weeks to train troops who came straight off the street and 16 weeks later were bound on a boat for Korea to fight a very well-trained and cunning enemy.

At that time, although I had had considerable education myself and had been both teaching other ranks and officer training as well, I found it impossible to answer the simple question of how do I teach and how do people learn? When the compulsion was to try to ensure that people were equipped in 16 weeks to defend themselves against a hostile enemy, the compulsion was very great.

Matrican is a system, and by a system I mean that it encompasses content, process and personality and integrates all of them. What is much more important I think is that it enables people who previously had had learning difficulties to learn how to overcome them. As well it enables people who have had some great success, as gifted children have in the system we now have, to understand objectively why that success was achieved and to find a way to duplicate it in conditions which are less than ideal and in other places that they might find themselves.

10:10 a.m.

Why is it appropriate to this occasion? Because whatever becomes of the system in this province, or indeed any province, it is apparent to me, and I think to many people in this room, that the basis for the improvement in the economic position of this province has been found in education for a very long time, and as we begin to encounter increased levels of change in our society, those levels of change must be met with increased efficiency in the educational offering and the delivery system in this province.

Sometimes, if you are going to introduce something as encompassing, and in some people's terms as radical, as this proposal of the Matrican Learning System, you would ask yourself what sort of endorsements there are for it.

I understand the committee has not had a chance to read the material I supplied this morning, and I apologize for that; however, it is none of my doing because I tried to get it to you in time. A grade 4 child who had exposure to certain elements of the system pleaded with my wife to please tell her teacher how it worked. A teacher who had been teaching for 14 years in a system shouted at us in the midst of a very large gathering in these terms, excuse the expression, "Why in hell didn't someone do that for me when I was a kid?"

For the leadership component, I would refer you to the second of the elements in your package in which a gentleman who is respected by all in our profession, Dr. Robert Jackson, in his committee on declining enrolments suggested that the Matrican Learning System could find a new basis on a systems approach to increasing the efficiency of education in the province, and to counteracting some of those things which declining enrolments impose upon us. In some ways, this is similar to the concerns that members of the staff have had in the meetings I read the accounts of before the public meetings were open.

The world, as it is, is becoming a very complicated and very challenging place. The child who enters kindergarten and is requested to become a student is not yet aware that a student is someone who learns, although the learning task is offered and perhaps even imposed on him. How much better it would be if we had a chance to give those very people an opportunity simultaneously with their subject development to learn the process by which that subject was attained? They would, therefore, be able to learn music and learn how to learn music simultaneously.

I would think this is a perceptual introduction for most of you, because most of you say, "I know how to breathe, why do I have to learn how to breathe?" But if you take a simple context which is contained in this slide rule, which is part of the system, and ask yourselves if you are learning how to ride a bicycle, would you begin with presentation, reference, consultation or experience? The system considers those, not only in their order but in their intensity, and arranges them in such a way that the maximum learning opportunity can be provided, and the maximum learning efficiency can be obtained.

For an increased complexity in our society, the official, the legislator, and even the worker finds himself in a position in which learning becomes his mainstay.

We used to have an ethic in this province which was a good one. It was to work hard. Now we have to add another, which is work smart. When you look at a technological problem in chip alley in Ottawa, you find out from the boys who run those games it is something like an 18-month life for a world patent in high technology. In other words, you may spend millions to get a world patent, but you can count on it lasting perhaps 18 months before you lose that protection because somebody somewhere in the world supersedes your patent.

What they do not tell you is the workers are in the same position. Every time a patent loss occurs, a training loss occurs as well. So the lifelong challenge of learning how to learn remains a challenge for all of us and will eventually, I believe, separate the political as well as the economic health of countries, not only in North America but throughout the world.

We are all seeking our identity. It comes principally from two sources. One is the things we believe. Some of them are secular, such as political convictions; and some are theistic, religious convictions. However, the other half of us is what we understand and how well we learn may be how well we have learned how to learn. Whether we like it or not that learning ability and accumulation of knowledge will directly bear upon how much we can understand.

The effects of change erode that understanding and entice us into an area of belief to substitute for it. I would invite you to think of an area of the world that is quite large, where there has been an erosion of understanding to the point that great strife has occurred because there has not been a sufficient balance between belief and understanding. We all know it should exist. Change erodes that understanding and tempts us into an

area of belief in order to encourage us to feel the world is stable around us.

Please read and note carefully Learning on the High Wire. I would like to apologize to both the committee and the media for infringing its copyright. I realize it is not the thing to do; unfortunately, it comes from a larger document and it was necessary. Please read it carefully because what it does is begin to look at the linkage between consensus and survival.

It is not my word alone. The race between catastrophe and education is something to which many people often refer. That race means, as catastrophe approaches at three minutes to midnight, education must somehow improve its efficiency to forestall it.

10:20 a.m.

Matrican is a system that is really quite unlike what we find in schools today. For instance, it asks people to separate their activities into three different categories of purveyor, organizer and mentor, which are at the inside of this slide rule. The purveyor, meaning the point at which children have the least amount of learning, is the phase of how to learn; and they progress to the point where they enter a mentor phase and they are then masters of the process.

One of the things we have tried to do in the 10 years in which this scheme has been actively pursued by my wife and me is to resist the temptation to feed the horse gasoline. Transportation has two systems, one which is a horse and buggy—no reference, please, to education—and one which is a motor car. You cannot feed the horse gasoline.

We are at that stage in the history of the world or in the history of this province or in the history of each of our lives where, if we do not find another system to educate ourselves and our children, then we must face the consequences, which I do not like to entertain, of finding ourselves in a position where that system has deteriorated and the violence and chaos that are its alternatives begin to emerge. They have emerged in many places in the world and they will continue to be in that form until we find a way to increase the educational system so it functions well.

There is a dilemma for a child who comes home with a report card, and many of you have those individuals, and presents that report card to you with a mark that says A and a mark that says D. It is a sadness for that child not to know why he failed, but it is even a greater sadness for that child not to know why he succeeded.

What we have attempted to do with our project and our offering here to you today is to ensure that we can offer that kind of facility to the systems of schools in this province, and that is all of them. Then children and their parents can begin to understand in a more comprehensive fashion the efforts and money spent on their behalf to improve not only their personal welfare, but also our way of life.

Please have a look at 2.16 on the outline we passed out today. It says that in learning and believing the ultimate understanding is to understand what you believe and to believe what you understand. The prospect of Matrican, we hope, is to try to ensure that, despite a rate of change we cannot control, that will be possible. As you go through your deliberations in this committee, I ask you to examine those individuals who are having difficulty believing what they understand and also those who are having difficulty understanding what they believe.

I used to teach a strategic nuclear warfare course in which I invited people to look at what would be the state of their world 12 minutes before classroom started, because at that time that was rocket delivery time from the Soviet Union to the location in Kingston where the course was conducted. I can recall one charming fool, a fellow officer of mine, who put a sign on the wall which said, "If at first you don't succeed, try, try again."

I think the one compulsion these remarks have for us is the urgency of this kind of development to try to ensure that the future of our children and our grandchildren is there for them to enjoy and for us to predict. The little card we passed out really says it all. For those persons in the United States, in Europe and in other parts of Canada who know of our activities, it simply says, "Since civilization is a learned behaviour, how much does its survival depend on each of us learning how to learn?"

I entreat you to consider this small proposal carefully because it really does sum up the urgency and scope of our endeavours. We thank you for your kind attention. Again, we apologize that we have said nothing to you about the system itself, but there are persons in this room other than ourselves who know a considerable amount about it and they may be helpful to you.

For some people any change has an initial element of destruction, but that is a perception. If the perception changes, change has an initial impact of excitement and positive anticipation. We hope the committee, if it wishes to inquire further, will be able finally to resolve the fact that

the Matrican Learning Systems and the two people you see before you have no intention whatsoever to destroy. Our only intention is to assist in what would be a significant but radical change to try to ensure that learning how to learn becomes the basis of a system of education that is a great challenge to us all.

Mr. Chairman: We are pleased you could come before us today. You asked whether you were speaking to our considerations. They essentially are the notion of the preservation and improvement, one would presume, of the public education system.

I have nobody on the list at the moment. Probably the committee will have to focus much more on some of the more mundane structural changes than on curriculum and teaching philosophy. At this stage, to have an effect, your better avenue is probably through people at the Ontario Institute for Studies in Education and the ministry. However, God knows what this may go into and what we may be mandated to look at in the next while. I appreciate your coming and reminding us there is a broader context than that with which we are dealing here, one that is not just an extension of two years of funding to the Roman Catholic system.

Mr. Mountain: Can I speak directly to your inquiry? I direct your attention to the bottom of the second page, "We must understand what we believe and we must believe what we understand." What we would like to do is to try in our way to contribute to the increase in efficiency of that part of the school system which enables us to understand.

There is ample demonstration of the extreme difficulties to all people caused when the understanding part of the individual is lost. With regard to the committee's pursuit, I think you will hear a great deal of the pound of cure from now until the middle of September. May I suggest to you that we would like to contribute some of the ounce of prevention.

Mr. Chairman: The point is well taken. Mr. Allen has a question or a point he would like to raise.

Mr. Allen: This is just a note of appreciation that Elizabeth and Howard Mountain have come this morning to address us on some of the context and the larger dimensions of education that we all have to address, in which what we are doing here does take on its own reality at times, but it none the less has to focus on other realities beyond that.

I know Dr. Podrebarac has been listening with both ears about the need for an education system

that is based essentially on learning how to learn. I am sure all of us have appreciated your remarks about the excitement of being able to turn change into positive and constructive possibility. I expect we all will be happy at the end of the whole process to have you back and tell us why we succeeded or why we failed.

10:30 a.m.

Mr. Mountain: Let us hope we are able to tell you why you succeeded. I would much prefer that. If we can be of any help along the way—that is for Dr. Podrebarac's ears or any other components in the committee—we would be delighted to do so.

On one thing that I think is an excitement which bears upon, Mr. Allen, Mr. Chairman and the committee, the circumstances around a possible court action challenge to the whole basis of this committee's *raison d'être*, may I say to you that the other week I appeared before the Canadian Human Rights Commission and offered a piece of information on our constitutional submission in 1980, which I have included in the dossier of things.

If we can make some progress by having people understand the translation of how to learn into the obvious phase of being a civil right, then we can perhaps begin to understand some of the kinds of projections Mr. Allen sees and I am sure all of us will agree to in the not-too-distant future.

Mr. Chairman: Thank you very much. It is difficult after a long day yesterday to be so provoked intellectually this early in the morning, but I appreciate it.

Mr. Mountain: I understand you sat until 10 o'clock.

Mr. Chairman: Yes, we were here.

Mr. Mountain: Would you like to say one thing to my dear wife, because she said, "I may not open my mouth this morning"? It is our anniversary today, if you would like to wish her congratulations.

Mrs. Mountain: I am not usually this quiet.

Mr. Mountain: She can speak. She is not just a quiet doll, ladies on the committee; she is really not, believe me. Thank you very much. Dr. Podrebarac, you and your ears are a concern.

Mr. Chairman: Congratulations and thank you both very much. We appreciate it. Enjoy the rest of your anniversary.

MOHAMMAD S. QUAADRI

Mr. Chairman: Mr. Mohammad Qaadri is next. Mr. Qaadri, it is nice to see you again.

This is exhibit 25, which was distributed this morning to members of the committee. Mr. Qaadri, you know how we operate. If you would like to make your presentation in any terms you like, we will open it up to questions and comments after that.

Mr. Qaadri: Bismillah-ir Rehman-ir-Rahim. In the name of Allah, the Most Beneficent, the Most Merciful; Mr. Chairman, members of the committee, ladies and gentlemen, Assalamoal-aikum: Greetings of Peace. I thank the committee for the opportunity to make this presentation.

First, may I state that I and many members of the Muslim community fully support the Ontario government's decision to extend funding to separate schools. Bill 30 was introduced in the Legislature more than a year late. However, the bold commitment on the part of the new government to start financial assistance to Catholic high schools, beginning with grade 11 this September, without waiting for the passage of Bill 30 or the ruling from the Ontario Court of Appeal, deserves a tribute to its courage and conviction.

The matter of separate school funding has been a subject of great public debate in past months. Some public school boards and teachers' associations have opposed this move very loudly, primarily because of anticipated fear of lost jobs. Their opposition on this ground reminds me of the saying, "There are two ways to win a race: one, to run faster; two, to get the competitor disqualified." Unfortunately, the teachers' associations and coalitions have chosen the latter approach.

It is this angle that I intend to address in my submission.

It is anticipated that the extension of funding to separate schools beyond grade 10 may result in the transfer of a large number of pupils from the public to the separate school system and may cause a sizeable reduction in enrolment. This reduction in the enrolment is the primary problem.

This primary problem of the reduction in the enrolment will then lead to a host of secondary problems, if I may call them so, such as the loss of jobs of teachers and support staff in the public boards, the loss of viability of certain scientific and technical programs and so on.

While Bill 30 provides amply for solutions for the secondary problems, as I call them, I find little in it that addresses the problem in its primary stage. To put it simply, Bill 30 does not call for exploration and implementation of ways

and means to maintain or increase the enrolment in the public schools.

Imagine for a moment that by some means we are successful in maintaining or even increasing the enrolment in the public schools. What kind of messy problems will we be avoiding in implementing this separate school funding program? The new government is committed to finding jobs for the redundant public school teachers in the separate schools. I am sure you realize that it is not going to be smooth sailing. There will be opposition from the separate school system. Such teachers and staff will be looked upon as unwelcome persons. They will face anger from their Catholic colleagues whom they will be bumping down the seniority ladder and so on.

There is a simple idea. Whatever commodity we have in excess of our own use, we let others make use of it. We do it in the case of our pulp and paper, metals, grain and so on. We do it in the case of electricity. If we have abundance of recreation and tourist facilities in our province, we go outside the country and advertise them to attract visitors very successfully.

I see no reason we cannot do the same with our school facilities. Ontario has been blessed with a highly organized and well-administered public school system staffed with highly qualified and dedicated teachers. Our school system is highly regarded and is held in great esteem abroad. It is a pity to close schools of such a system by selling them at less than cost price.

During my visits to some countries in the Middle East, I found for a fact that there are a large number of parents who yearn for North American schooling for their children. Please do not doubt for a moment if I state that they can very well afford it. The same is true for some countries in the Far East.

Therefore, it is my recommendation that with the implementation of Bill 30 a special task force be established to explore, draw up plans and execute programs, first to arrest the decline of enrolment and then to enhance the enrolment of pupils in the public school system. Here, I may add, extra care is to be exercised in the selection of persons who would compose this task force. This project is to be launched with extreme sensitiveness to the religious, social and cultural aspects of the parties involved.

Decline in enrolment is not a new phenomenon. It has been menacing the school system for the past five or six years. Unfortunately, that decline of enrolment also has been accepted by authorities as well as teachers' associations as inevitable or unavoidable. Lately it is legitimized

by calling it natural decline of enrolment. A bold, positive and creative approach to the problem could have alleviated that problem too.

It is my hope this committee will accord due consideration to the suggestion for establishing the abovementioned task force.

Mr. Chairman: Thank you, Mr. Qaadri. That is an innovative idea about which I think members will want to ask you more. Mr. Jackson, for instance, is on the list already.

10:40 a.m.

Mr. Jackson: Mr. Qaadri, welcome. I appreciated your brief. Coming right to the point you raised, I was fascinated by your reference to the problem of declining enrolment and the concern about the competition for students.

You have suggested we refer that to a commission. I wonder whether you had looked at the legislation as it is proposed to consider the issue of competition between the two systems for the interest of the student.

Mr. Qaadri: No, I have not done that.

Mr. Jackson: I want to make reference to a statement I made in the House on this point since this is the first speaker who has touched on the issue. I will read my statement, and I would like to have your reaction to this:

"It has been brought to my attention that in a number of coterminous jurisdictions, students are not being adequately informed of programs in both public and separate schools. To the degree that this is accurate, it is an unacceptable practice. Students must not become pawns in the hands of school boards, which are empowered to offer programs. Students then make choices of those, and intelligent choices cannot be made without information. Steps may have to be taken to ensure, in legislation, that dissemination of information to students will not be compromised."

That point has not been raised in the hearings to date. You did talk about the issue of competing for students between the two systems. The point I am trying to get at is that nowhere is there protection to allow any student in this province to see all the programs available in the two systems so he can make a conscious decision as to which system he would like to attend.

I will leave that point and move on to the point you raise about attracting foreign students or those currently not enrolled in either of our two major systems in this province. Are you suggesting those students would be attracted at the cost per pupil or the current rate we are charging for our students? You made reference to the affor-

dability; I wondered which tuition fee you had in mind when you were referring to attracting students.

Mr. Qaadri: These students would be very pleased to come to this country at cost, whatever it cost. I understand it costs about \$5,000 to \$6,000 per student for a year of high school. I talked to quite a few parents in those parts of the world, and they said they would be very pleased to pay that kind of money to let them have a North American education.

Mr. Jackson: Do you have any figures on the degree of interest that might be expressed, say from the group you represent, the Islamic community in Ontario?

Mr. Qaadri: I cannot give you a specific figure, but it is a gut feeling. One has to collect the statistics and data and have meetings with the ministers of education of the other countries involved. I have not gone through that. That is why I have come here to present this proposal, so that could be done at a ministerial level.

Most of these countries have educational missions in Ottawa. Perhaps one would not have to go to that part of the world. One has only to go to Ottawa, have a discussion with the heads of the educational missions, put this proposal to them and see their reaction.

Whenever I go to that part of the world, many parents try to call upon me to put their relatives into a school system, and they ask how much it would cost and how much the accommodation would cost. I am inundated with those kinds of questions. Having done that, I have a gut feeling there is a huge market; if we could enrol them, we could alleviate the declining enrolment in our schools.

Mr. Chairman: It has been the case at the university level that we have had more requests than we have desired to accommodate.

Mr. Davis: I too would like to applaud the brief. It is right to the point and deals with one of the issues I believe is imperative in Bill 30, which is the protection of the public educational system.

In addressing that, you are keeping us aware of the need to ensure the viability of our public educational system. I do not mean that in very general terms, although that is also applicable, I mean in local school jurisdictions. If you do not have a viable secondary school program in both the separate and public systems in a specific location, you cannot say you have a viable program across the province.

It is interesting to note, and you brought it to my attention, that in the preamble of Bill 30 there is no mention of guaranteeing the public education system. I respectfully suggest to the chairman that we are going to have to take a look at that to make sure of that. It is implicit there, but it is not explicit. We need to be more definitive in that.

You have made a novel suggestion which we need to explore. If this committee finds it outside of its purview to explore that, I hope some local school boards will make an examination of that.

Mr. Chairman: If there is no response, Dr. Allen has a comment he would like to make.

Mr. Allen: Mr. Qaadri, thank you very much for your brief and for your generous comment that you felt there was something of courage and conviction in moving ahead with this operation in spite of the absence of Bill 30. Most of us are more nervous than courageous about that and wish it had been otherwise and that we were doing it the other way around. None the less, we appreciate your coming here and indicating your interest in the issue.

The proposal you are making is ingenious and one that is close to the borders of some other suggestions that have been made within the province with respect to the problem of declining enrolment. For example, much interest has been shown in many quarters about amplifying the whole dimension of early childhood education and bringing new children into the system in that way, using the physical facilities and the teachers made redundant by declining populations of schoolchildren.

As you know, we do have a kind of topping-up operation that exists on the sidelines of the school system in the visa schools for young people who come from Third World countries to improve their educational standing so as to enter our universities. I know our own Ministry of Education has international dimensions to its activity in a number of respects.

I wonder whether Dr. Podrebarac would care to comment on your proposal from the point of view of the ministry's present involvement, and the existence of any agency within the ministry to take this step; to say whether the ministry has ever contemplated approaching the Third World market, if I can put it that way—I do not like to commercialize it in that sense—the market for elementary and secondary school students; and to tell us what problems the ministry may have encountered, if it has done so, and what he thinks the prospects are.

Mr. Chairman: Mr. Qadri, Dr. Podrebarac is the Deputy Minister of Education.

Dr. Podrebarac: Mr. Allen, the ministry does have a special projects branch; it serves both the Ministry of Education and the Ministry of Colleges and Universities. There are many international activities. We talk about student exchange programs, teacher exchange programs and teacher seminars. With respect to student movement specifically, the branch has not been extremely active in that regard, but it has interfaced with the missions, as you have pointed out, and made information available.

As Mr. Davis has pointed out, some school boards have been much more interested than others. Some school boards have made information available about space, program, etc., and some have been very aggressive in recruiting students into the grade 12 and grade 13 levels. That has been quite successful where it has been done on a full-cost recovery basis, but it is not massive and there has been no major encouragement to accelerate it.

Mr. Allen: Do you see it as a practical possibility we should be looking at and could look at quite constructively?

Dr. Podrebarac: Yes.

10:50 a.m.

Mr. Allen: The other question I have in that regard is that while these activities to date have been in the later years of schooling and therefore perhaps do not threaten Third World educational systems, I wonder whether there is a hidden political problem in moving in on the main body of a system and attracting some of the best students and some from the families who have the wherewithal to provide for these needs, thereby encountering a backlash in the education system and government of the country concerned. Do you sense a problem in that respect?

Mr. Qadri: Again, I have a gut feeling this problem would not affect the people who will be sending their children to Ontario. They will be from a whole host of backgrounds; some will be in the upper brackets and some will be in the lower brackets. You will get students from a wide cross-section. As I told you, I have not done studies in great detail, but I have a feeling this problem will not affect us. If it does, it will be at a very minimum.

Mr. D. W. Smith: When I listened to you present this brief, I tried to read along with you. I would like to know whether you have done research on how fast you think the public school system may go down. When you offer the

suggestions you have made, I wonder whether you know or have researched more of this than you have actually said here. How quickly do you think the public system—I do not like to use the word “deteriorate”—will experience a drop in numbers? Have you done any research along those lines?

Mr. Qadri: Yes, a little. The so-called natural decline is about 5,000 to 6,000 students every year. At that rate, from 1980 to 1985 we lost about 35,000 students; if that is the figure, I stand to be corrected. I expect the so-called natural decline is about 5,000 to 6,000 per year. The figures are open for the impact of separate school funding and will be larger.

Mr. D. W. Smith: The other suggestion you made was to bring students from other countries. Would they come on an education visa? Do they want to come here to become citizens of this country, or are they hungry for education in the places they come from?

Mr. Qadri: In the places I have in mind, they are hungry for education; and I am sure their host country and their country of origin offers them better attractions than Canada in some cases.

Mr. Chairman: So it would be on an education visa, or whatever the arrangement.

Mr. Qadri: That is a possibility. For example, there are quite a few hundred students from Saudi Arabia at the university and college level. I was talking to the head of that country's education mission in Ottawa, and he told me not one has requested to stay in Canada.

Mr. Chairman: It might say something about our deteriorating standard of living. All our soccer coaches are heading for Saudi Arabia. It is terrible.

I have a couple of questions, one of which has to do with the practicality of the impact on the overall system. If we are looking at the decline as being across the province and not just in major metropolitan areas where normally we obviously attract our foreign students at the university level, how do you see this working for small rural areas? We have already learned a lot about them with respect to the shared facility, one school in the town, such as a high school, and that kind of thing. How would you see this functioning in rural Ontario?

Mr. Qadri: I am sure this program will work very efficiently in the rural areas also. There would be a number of parents who would like to send their children to the small communities and towns. As far as I have a feeling for the problem,

I think it would be the same in both rural and urban areas.

As I can see it down the road, we will begin this program from the metropolitan areas because we have the community to attract those people. Based on the community facilities, they will be coming first to cities like Toronto, London or Ottawa. If we can solve the problem of the urban areas first, we can leave the problem in the rural areas to be solved by some other means.

Mr. Chairman: You make a good point. May I raise the question of human rights involved here? Under the United Nations human rights resolution people have a primary right to be educated within their own education system in their own country. Do you not have some concerns that an élite group of students may leave their own country to come to North America for high school studies, as well as university studies, which is a trend we have already seen? Would you not be concerned that could undermine the development of the education system in the home state and may engender the development of a more colonial attitude by those who return, having seen their own native system to be not adequate to their needs and not upgrading it? I worry about the creaming off of the top people from their own communities to come here.

Mr. Qaadri: No, the problem is otherwise. Most of those countries do not have enough school facilities to educate all the kids needing to be educated. They would welcome this load being taken from their shoulders. They are constructing schools at a fantastic rate. They give out orders and a number of Canadian companies in Alberta have been successful in obtaining orders to construct schools in a nine-month period and have done it very successfully. All these things take a long time and they are still short of school facilities.

If we can take some of them, it will not make much difference to them. I agree there could be some backlash if we are taking the élite from their core group of students, but I still feel there will be some very bright students left in the country.

Mr. Chairman: Do you have any concerns about the westernization of the ethics of kids coming to Canada—probably from the élite, as has been the system in university—at such a young age rather than at a more mature age, as they tend to come at this point, and then returning, in consideration of some of the dynamics between the Islamic view and the western view?

Mr. Qaadri: I am very glad you asked this question. When our friend from the ministry was

giving his comment on the proposal a year ago, I talked about this proposal to Miss Stephenson just before some of the educational missions from those parts of the world were about to arrive in Ontario. I told her she should explore this possibility, which she did. A few days later, I happened to meet her on another occasion and asked her what had happened to this proposal. She told me she got a negative reply, which disturbed me very much because it was contrary to what I felt.

11 a.m.

At the next available opportunity, I explored how those people who were yearning for North American schooling could give a negative reply to the Minister of Education in Ontario. In a private talk they conceded that while they welcome North American, Canadian or Ontario schooling, they were a little hesitant about Ontario education. If there were some smart way of guaranteeing the kind of education for which they are looking, they would definitely use the Ontario schools. Their particular concern, as you rightly said, is one of westernization. They would like westernization, but they would not like to have some of the wrong things that western civilization is teaching little kids, with particular reference to sex, drugs, lack of discipline and such things.

They gave me the impression that if somehow or other this could had been arranged, they would have opened the door for children to come to this part of the world. Fortunately, there now is a very viable community from the far eastern countries in Ontario. There is a very viable Moslem community in Toronto. If they could be involved in looking after the after-school activities of these kids, I think the project would have a fairly good chance of getting the approval of the authorities from that part of the world.

Mr. Chairman: The thought I had was not along the lines of what you were saying; it came to me while you were saying you supported the extension of funding to Catholic schools. I was wondering whether you could let me know whether you felt that as our Moslem community grows here in Toronto, in the future you can see funding being given to Islamic day schools. Do you see that as something that might be sought in the future?

Mr. Qaadri: Regulations, the Constitution and commitment aside, I think we should discuss it philosophically. The Roman Catholic students get their education and after education they come into the mainstream of Canadian society. They serve society in general, build roads, man our

universities and run our factories; so in some way or other, every taxpayer benefits.

If we have the commitment to give high school education to the children of Ontario, it really does not matter whether they have gone through the Roman Catholic school system or the public school system because ultimately we all are benefited by the education we are imparting to those students.

Having said that, I would say the people of Ontario should be generous enough so that, if the Moslems come up with a viable project of a school and want funding, and they are sure that once these Moslem students graduate from their Islamic schools they will be pumped into mainstream society, there should be no philosophical difficulty in supporting such a school. The same could be extended to the Jewish schools because their children also are coming into mainstream society. That is the philosophy

of taxes, as I understand it. Leaving aside these constitutional guarantees, the government and the political ramifications, my answer in simple terms would be "yes."

Mr. Chairman: Thank you for your suggestion. It is something we would like to explore more with the ministry with respect to what options there might be of extending any present programs there might be in that area.

Mr. Qaadri: Thank you very much.

Mr. Chairman: Those are all the witnesses we have for this morning. Therefore, we actually can do some work in our offices for a change. We will return at two o'clock for Mr. Shanoff's presentation and at 2:30 p.m. the Ontario Secondary School Teachers' Federation will be before us.

The committee recessed at 11:05 a.m.

CONTENTS

Wednesday, July 24, 1985

| | |
|---|-------|
| Education Amendment Act, Bill 30, Mr. Conway, recessed | S-283 |
| Recess | S-292 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Davis, W. C. (Scarborough Centre PC)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Smith, D. W. (Lambton L)

From the Ministry of Education:

Podrebarac, Dr. G. R., Deputy Minister

From Matrician Learning Systems Ltd.:

Mountain, E.
 Mountain, H. R. J., President
 Qaadri, M. S., Editor, Islam International



Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament

Wednesday, July 24, 1985

Afternoon Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)

Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

Davis, W. C. (Scarborough Centre PC)

Epp, H. A. (Waterloo North L)

Guindon, L. B. (Cornwall PC)

Jackson, C. (Burlington South PC)

Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

Clerk: Mellor, L.

Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, July 24, 1985

The committee resumed at 2:01 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An act to amend the Education Act.

Mr. Chairman: The committee will hear Mr. Shanoff first. That is exhibit 1, which is in all your kits and copies of which will soon be made available to members of the audience and the press who are just arriving now. Is Mr. Shanoff here at the moment? Fine. Come forward and take a seat.

While you are doing that, I am asked to inform those present that today is the minister's 25th birthday. No, it is not the 25th. Which is it? We have a present here for you from the committee, which we want you to share at the appropriate moment when we are all collapsing from exhaustion at six o'clock or whenever.

Hon. Mr. Conway: Thank you very much, Mr. Chairman and committee members. I gather you dealt this morning with the concern that was raised by a number of people regarding my attendance. I appreciate that. I certainly want to apologize for any misunderstandings that might have arisen. A number of members have raised the subject with me. I try to communicate to the chairman each day as to what my schedule is going to be. For example, I was not here this morning because of cabinet, and there are going to be a number of situations where I am simply not going to be able to be here.

I regret very much any misunderstanding that might have arisen. You will note that earlier in the week I had to leave half way through the presentation of the Metropolitan Toronto Separate School Board. I certainly do not intend that to be anything of a slight to the committee; it is just that there are a certain number of time constraints under which I am operating. I am going to try to be here as much as I can.

I accept the expressions of concern and I regret any misunderstandings that might have arisen as a result of what happened yesterday.

DAVID SHANOFF

Mr. Chairman: Mr. Shanoff, perhaps you would like to take us through your brief, any way

you would like to; after that we will have questions from the members. Please proceed.

Mr. Shanoff: Mr. Chairman and members of the committee, I find it difficult to know exactly how to address this legislative committee, particularly when I firmly believe, regardless of what I will have to say, it will have no effect upon the main decision regarding the extension of public funding to the separate school systems of Ontario. This decision appears to have already been made without any serious debate or public discussion. All three political parties have declared their intention to support the fundamental principles of Bill 30, regardless of the presentations made to this committee.

As a result, I have the uncomfortable feeling of someone presenting evidence on behalf of the defence while the judge and jury have already declared the accused will be found guilty and executed. So it is with a considerable amount of scepticism that I bring to you some personal views regarding the extension of public funding to the separate school systems of Ontario.

To help you understand from where I am coming and what particular biases I may have, let me present you with my credentials. I am a non-Catholic, born and raised in Toronto and educated in the public school systems of Ontario. I have been a public secondary school teacher on and off for the past 22 years and I am married to a public secondary school teacher. Both of our children attend a public elementary school in the city of Toronto. I am also a former public school trustee with the Toronto Board of Education and the Metropolitan Toronto School Board. It will, therefore, come as no surprise to you that in my presentation I will try to discourage you from giving your support to Bill 30, An Act to amend the Education Act.

The one particular area I would like to focus upon in my presentation concerns what I see as this government's support for publicly financed discrimination and segregation. Ontario, in 1985, is one of the most multicultural societies anywhere in the world. We have made great strides in this province since 1867, when there were but two basic religions, Protestant and Catholic.

Today we live in a society in which virtually every religion of the world is represented. The

Ontario Human Rights Code, which some of you may still consider inadequate, has been instrumental in eliminating most vestiges of prejudice and discrimination that were inscribed in both law and practice.

This province has been in the forefront in the elimination of those legal and social aspects of our society which in the past have permitted discrimination against some of our citizens because of their religious beliefs as well as because of their race, sex, national origin, etc. Yet, ironically, it is this very same Human Rights Code, particularly in section 23, that has permitted the separate school systems of Ontario to practise religious discrimination and segregation. Here we are today discussing a bill that will permit the continuation of that segregation of our children and the discrimination against others of our citizens.

I would like to bring to your attention that 30 years ago in the United States the American Supreme Court ruled, in *Brown versus Topeka Board of Education*, that the concept of separate but equal is unconstitutional and invalid in a democratic society. Here we are, 30 years later in this jurisdiction, still discussing the continuation of the separate but equal concept.

If the issue before us today was the establishment of a publicly funded school system for whites only, you would quite properly condemn such a proposal as discriminatory and segregationist. If the issue before us was that of establishing a publicly funded school system exclusively for the children of working-class parents, once again you would condemn it as unacceptable. Yet, for some incomprehensible reason, the public funding of a school system that segregates children and practises discrimination along religious lines is quite acceptable to you.

That the former Progressive Conservative government of Premier Davis acted in the undemocratic manner it did in announcing the extension of public funding to the separate school systems of Ontario was not uncharacteristic of that government. While the announcement itself was a shock to us, the arbitrary nature of it was not. But what makes this whole issue more difficult to comprehend is the support given to Bill 30 by the other political parties.

It is incomprehensible to me that the New Democratic Party, which has stood, often alone, for social justice and equality for all, is actively supporting religious discrimination and segregation in our schools. When the NDP has rightly attacked all other forms of discrimination and segregation in our society, how it can still

support the concept of religious discrimination and segregation in our schools really boggles the mind.

The actions of the Liberal Party of Ontario in this instance are equally incomprehensible, particularly when the national wing of the Liberal Party was instrumental in establishing the Charter of Rights which, among other things, protects Canadians against discrimination. The provincial wing of the Liberal Party is not only condoning discrimination in the school systems of this province, but is even talking about opting out of the provisions of the Charters of Rights if this particular piece of legislation is ruled unconstitutional. Again, it boggles the mind.

"Why is he talking about discrimination and segregation?" you might be asking yourselves. "Does he not realize that Bill 30 has specific provisions opposing discrimination and segregation against both non-Catholic students and school employees?" Yes, I am very well aware of those provisions, but I am also aware that they are in effect for a period of only 10 years. What happens after that? Do we resort back to the current situation, which permits separate school systems to discriminate in their enrolment and hiring practices against non-Catholics? If the answer is yes, then after 10 years we will have, once again, the situation in which non-Catholics who help finance the separate school systems through provincial grants can be refused enrolment or employment. Is this democratic? Is this justice? I hardly think so.

Premier Peterson, upon taking office, promised a new style of government would be coming to Ontario, a government that would be more open and would listen to the public. I would suggest to you distinguished members of this legislative committee that while you are going through the process of hearing what the public has to say, there is a very strong perception you are not really listening to what is being said to you. Most, if not all of you, chose to close your ears and mouths to the issue of separate school funding during the recent provincial election campaign.

2:10 p.m.

Apparently, you have also chosen to ignore the role of the funding issue in the qualified defeat of the Progressive Conservative government. I would strongly suggest that if you continue to ignore the public on this issue, as you have in the past, you too will suffer the appropriate political consequences of your actions. Your move to give greater privilege to one religious group at the public's expense will generate more than the

words of frustration and anger we have heard to date.

Politically, you feel you are trapped. Premier Davis presented you with an albatross which you willingly placed around your necks. Now you believe that if you cut it loose, you will be breaking a commitment and going back on your word. I would like to suggest you will be demonstrating considerably greater wisdom and courage by withdrawing this unfortunate promise and not going forward with Bill 30.

If you truly want to see this province move even further in the areas of tolerance and understanding, you cannot give advantage to one group at the literal expense of all others. If you truly stand for social justice, if you truly believe all citizens should be treated equally and have equal opportunities regardless of religion, race, creed, etc., and if you are truly opposed to discrimination and segregation of any kind, then I implore you not to recommend to the Legislative Assembly of Ontario the passage of Bill 30, An Act to amend the Education Act.

Mr. Timbrell: It is a well-written and presented submission. There is one point you raised that I want to check my understanding of, and perhaps it will answer the concern you have, and that is with respect to this 10-year proviso.

My understanding of the way the bill is structured is that 10 years is the period during which teachers and other staff in the public system will be designated as having been made redundant because of shifts in enrolment, but the rights and protections that apply with respect to those people, students and others go on in perpetuity. Is my understanding of the construction of the bill correct?

Mr. Green: Yes, it is, for those affected.

Mr. Timbrell: Perhaps that answers at least that concern.

Mr. Shanoff: I simply did not read that into the legislation. I am pleased to hear it does not have a time period.

Mr. Allen: It is difficult to raise questions on a presentation that does not address the immediate content of the bill. I am not objecting to that circumstance in the presentation, but the nature of your brief is such as to have laid a number of statements on us about the whole principle of the existence of separate schools and of separate school funding, quite apart from the question of the extension of separate school funding.

That gets to a very fundamental question and raises for us some very basic issues that go back, as you understand, to the British North America

Act and the original provision of public funding for public education in Ontario, which from the very beginning had the two streams to it.

As to other assertions with respect to whether we have been listening, whether there has been a debate and discussion and whether the issues involved have been addressed within this province, the difficulty one has in a question-and-answer format at this time is that your statements beg answers rather than questions. I would like to respond to one or two points.

In the first instance, in terms of what is happening in the province at the moment, whether or not one appreciates the way in which at this late stage the then Premier laid this on the provincial agenda, all of us in this province exist in the context of a debate that has been going on since at least the middle of the 19th century.

To suggest that fundamental questions have not been addressed or have not been thought about, or that we have not been open to those, is, at least to many people in this room, to make an assertion that ignores the fact that as recently as 15 years ago there was a very intensive phase of that debate and that a great deal of thinking has been done about it. Many of the parties to the 1984-85 discussion were parties to the 1969-71 discussion of this whole issue. I find it difficult to accept the notion that the whole issue has been laid dramatically and suddenly upon an unsuspecting province.

Second, with respect to the election, it was charged yesterday—you may have heard if you were here, or you may have read it if you were not—that the leaders of the parties laid some kind of injunction upon all the candidates not to talk about this issue. I would like to see some demonstration of that charge. I do not recall my leader ever laying me under that injunction, and I have yet to meet a member of my party who would confirm such a statement.

The issue did lay some problems before the public in terms of process. We all understand that. It was a very unusual circumstance for all three parties among their memberships and candidates to be so universally agreed upon a single issue. I recognize that creates some problems for members of the public who disagree and who are looking for spokesmen. None the less, that did happen by way of democratic process, and it did happen in an honest and straightforward way that arose out of the past politics of the province.

It would have been most artificial for any of us somehow to have gone out to the electorate and posed as advocates of a point of view that we did

not believe to foster among ourselves an artificial debate as competing candidates in a democratic process. I presume you would have to appreciate the problems that creates all round.

I have yet to meet a member of this recently re-elected Legislature who did not undergo a series of candidates' meetings in which this issue was very present, in a dramatic fashion usually, and on which debate took place. I have to say for myself, it frequently took place to the satisfaction of those audiences who were not always aware of the nuances of the issue, for whom new information was significant and who appreciated the frankness with which the issue was addressed.

We do not exist, as I am sure you appreciate, in a plebiscitary democracy in which everyone who is elected is a delegate of the community with a specific list of things he goes to talk about and to reflect the community on and nothing else. Rather, a member is elected in a parliamentary sense to exercise his best mind on behalf of his electorate and the electorate as a whole on a broad range of issues. Having laid his own concerns and views before his own electors and having been elected on them, he returns to give his best thoughts to those issues. That is the nature of the mandate he has.

All that taken into account, it strikes me that to suggest the due democratic process has somehow or other been wilfully abused in these circumstances is at least to misread our political system and is to lay on us a burden that most of us honestly, without being self-righteous about it, are not prepared to accept.

Mr. Chairman, you may cut me off at any point you wish.

Mr. Chairman: Thank you for the opportunity.

Mr. Allen: I do not want to lay a lecture on somebody who has come here to present a brief.

Mr. Chairman: I sensed that was the direction it was starting to go in.

2:20 p.m.

Mr. Allen: It is difficult to respond in any other fashion than to try to lay out some context for the position one finds oneself in, which I think is part of the debate we are being asked to engage in with the Ontario public.

Mr. Chairman: I think Mr. Shanoff would like the chance to respond within that debate. Please go ahead and respond in any way you like.

Mr. Shanoff: I think there has been a distortion of the historical factor in public school funding. Section 93 of the British North America

Act says absolutely nothing about funding. It points out only that what denominational schools exist at the time of Confederation shall continue to exist.

The preamble of Bill 30 points out, "It has been public policy in Ontario since 1899 to provide for public funds to support education in the Roman Catholic separate schools to the end of grade 10." It is only since 1899, not 1867 or 1842, that there was commitment to provide public funding. It has really been only since the early 1960s that public funding was extended from elementary grades to grades 9 and 10. This does not go way back to Confederation and beyond Confederation.

In 1899, the government of the day, for whatever reasons, chose to extend public funding. I suggest that is not something that is iron-clad and guaranteed in the Constitution.

I am not suggesting you should withdraw public funding of the education system. What bothers me, as a citizen in a supposedly democratic society in which all of us are supposed to be treated equally, is that a publicly funded institution can take my tax dollars and then turn around and say to me, "We do not want you as an employee and we do not want your children as students in this institution, because you are not members of our religious faith."

I cannot find the exact word to describe it, but you gentlemen, particularly the members of the New Democratic Party, oppose discrimination, oppose segregation; yet here you are supporting a publicly financed institution that has discriminated in the past and will continue to discriminate in the future. I find that very difficult to understand. That is the real issue for me, that you are supporting publicly financed discrimination. You are allowing an institution to discriminate against me, period.

Mr. Allen: I will take just a moment on a matter of information. I want to read a summary of section 11 of an act of 1841 called An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout the Province.

The summary reads as follows, "Specified that any number of inhabitants of a different faith from the majority in such township or parish might choose their own trustees and establish and maintain one or more common schools under the same conditions and receive the same government support as other common schools." When the British North America Act established that all groups who had educational rights by law would

have them continued, it definitely included funding and it had included funding from the very beginning of the establishment of common school education in Ontario.

Mr. D. W. Smith: If the former Premier, Mr. Davis, had dealt with this in a different fashion or had not brought the issue in the way he did, do you feel there would be as much public outcry today? Has the way it has been handled enraged people to the extent that they now are totally opposed to it, at least the groups you represent or the people who are thinking along your lines? I wonder whether it is more the way it was handled than the actual receipt of funds.

Mr. Shanoff: I think the manner is an important factor, but I go back to the debate that surrounded the 1971 provincial election. There was a huge outcry at that time. Both the Liberal and the New Democratic parties, as I recall, were in support of public funding and the Conservative Party was not. As a result of its stand, as I recall, the Conservative Party won quite a sizeable majority. At least in 1971, when it was an issue that was debated very heavily for a number of years, the party that chose not to support public funding won a majority.

In this election 14 years later, when all three parties supported funding, no party won a majority. I suggest to you it is very significant that no party won a majority. One party won a plurality. The party that is now in power does not even have a plurality. I do not think you are reading those messages. The fact that the then Minister of Education was defeated in his constituency is another message. This is only a personal gut feeling, but I think probably the majority of people in this province do not support public funding. The majority of people see themselves as being discriminated against.

Mr. Sterling: I am the one member of the Legislature who voted against this piece of legislation on second reading. There is one key factor you neglected to mention in your talk about discrimination, and I feel very strongly aligned with your views on this: the Legislature not only discriminated against Jews but also discriminated for the major religious group in this province.

That is something I, as a politician and as a supporter of the Charter of Rights and Freedoms, cannot stand back and see pass. A major factor in this decision is that we discriminated in this Legislature for the major religious group to the lack of benefit of all other groups.

Mr. Shanoff: I support you 100 per cent. I think that issue is being missed.

Mr. Davis: I would like to thank Mr. Shanoff for coming and expressing his views. I would like to say something that is bothering me. I have no problem with my colleagues on this committee wanting to defend their positions nor do I have any problem with my colleagues wanting to give a historical lesson to people who come to express deep concern.

We are all aware that a percentage of the Ontario population believe they were disenfranchised in the last election because they had no place to vote when they opposed the funding. We need to give that populace credibility. At least they exercised their right of the democratic process to vote and they made their decision on the candidate on some other basis. They were not prepared to accept as reality that they should not vote and tear up their ballots. The educational system and the political system of Ontario have done their job for the people of Ontario who understand the necessity of voting.

I believe, however, there is a disenchantment out there among a number of people who are going to come to this forum for the only opportunity they have to express their deep concern. As committee members we have to be prepared to accept that, even though we know our mandate is to deal with a piece of legislation. Out of that there may be some information we will be able to incorporate to amend the legislation so it is in the best interest of all.

I do not think we should continue to defend our position and to continue to give lectures to individuals who come here to make their presentations. Let us write it out and hand it to them. I am being serious. I think we are monopolizing time. I assume people are quite aware of the historical perspective. Most of the people who are upset do not believe there was ever a debate on this issue back in 1899 or even in 1971. We all know it was passed then by order in council; and with an extension to the elementary system, not as secondary funding.

We want to get on with the people who want to come before us. We were elected for whatever reason; now let us deal with the piece of legislation and let us listen to the people who wish to come and make their concerns heard.

2:30 p.m.

Mr. Chairman: I have no intention of either censoring or curtailing the witnesses or members of the committee. That is not my job. I hope all members will listen to your words as they listen to each other. We are within our time limits and when I notice we are going over because of comments of members, certainly not of witnesses.

ses, I will be very happy to draw them to order. Your words are well taken.

Mr. Jackson: Mr. Shanoff, Mr. Timbrell clarified the situation vis-à-vis the 10 years. Just for purposes of the record, in the context of accepting Bill 30 and its subsequent amendment, do you fully support the notion that the legislation be extended well beyond the 10 years in terms of the protection for employment and transfer of students?

Mr. Shanoff: If you establish a system in which you allow certain employees, in this case school teachers and other school employees, to be discriminated against, then you have to protect them. Is there any other public institution which is allowed to discriminate in its hiring practices?

Mr. Jackson: You support extending this beyond 10 years?

Mr. Shanoff: Absolutely, but as I also understand it, this is for only those employees who are so designated. What about employees who are not designated? What happens to them?

Mr. Jackson: We are dealing with that. It is a question that has been raised prior to today and your point is noted. I just wanted, for purposes of Hansard, to be on record as suggesting that.

Mr. Shanoff: Absolutely.

Mr. Chairman: Mr. Shanoff, we appreciate your coming before us and provoking a response from the committee and taking the opportunity. It is nice to see you again. I know of your interest in general matters of public education.

Mr. Allen: Mr. Chairman, on a point of order: It has to do with the manner in which we interact with people who come before us. It does seem to me that when a presenter appears who wishes to have some substantive response to assertions that are made, which I understand to be part of our process, it is no disrespect to the presenter to offer some alternative understandings of events or of circumstances.

Mr. Chairman: I have already ruled that it is within the rights of all members to express themselves here in any way they see fit, within the bounds of common decency. I will allow you all to do so and may even do so myself from time to time.

ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION

Mr. Chairman: Would the Ontario Secondary School Teachers' Federation representatives like to come forward and explain how they are going to proceed with the high-technology and

voluminous presentation that we have here as a combination?

If you would try to come to order as quietly as you can in the audience it would be helpful. Mr. Albert, I will ask you to introduce the people with you and explain to us how you would like to proceed. You will have to speak fairly directly into the mike if you are participating so we can get you on the Hansard pickup. Please proceed and let us know how you want to operate here.

Mr. Albert: Mr. Chairman and members of the committee: first, I would like to introduce to you the representatives of the Ontario Secondary School Teachers' Federation who will be presenting our organization's brief on behalf of our 36,000 members.

To my immediate right is the vice-president of professional development, Ruth Baumann. Seated next to her is our legislative researcher, Wendell Fulton. To my immediate left is one of our senior staff members, David Eaton. To his immediate left is our general secretary, Morris Richardson; and to my far left, another member of our senior staff, Jim Bethune. My name is Rod Albert and I am the president of the Ontario Secondary School Teachers' Federation.

We recognize that we have presented a very comprehensive brief to you; "brief" may be a misnomer. It is our intention to divide the presentation among the six of us. In addition, we have prepared for the committee a number of charts and graphs so that all may appreciate the impact that extension of funding to public secondary schools operated by Roman Catholic separate school boards will have. Finally, as we reach the conclusion of our submission, we wish to share a 10-minute video presentation with you.

I would hope to go through our entire presentation before getting into questions or debate, if that is possible. Before beginning, let me express to you our appreciation for the length of time you are providing to us today. I would point out, however, that if we were to take but one minute of your time for every member of the Ontario Secondary School Teachers' Federation who could be affected by the extension of funding, we would be here for nearly six complete days.

Before going to the brief itself, I would like to make a few general comments. A great deal of value has been placed on equity and fair play by individuals in this room and, indeed, by the citizens of Ontario in general. Initially, the concept of extending funding to separate secondary schools appeals to people's sense of justice.

In fact, in a public opinion poll conducted by the OSSTF in January 1985, 64 per cent of the people polled supported full funding to Ontario separate schools at that time. However, it was generosity based on ignorance, for 60 per cent of those polled were unaware of any particular changes in the education system in Ontario during the previous six months. It was only upon reflection that people realized the shortcomings of the proposal. How many of the MPPs who rose in a spirit of goodwill and justice to applaud former Premier Bill Davis on June 12 fell with the weight of voter wrath, educated to the realities of full funding?

It is only when one understands the dramatic and detrimental impact on our public secondary schools that the initial justice of this plan quickly dissolves, to be replaced over much of Ontario by a collective sense of betrayal and injustice. There was, as many of us were saying, a conspiracy of silence on this issue. The people of Ontario were not in an informed position to answer the question about the extension of funding. There had been little opportunity for parents and citizens of Ontario to voice their questions and concerns about the biggest shift in educational direction in this province since Confederation.

The OSSTF took this issue to community forums across Ontario, in Sudbury, London, Windsor, Toronto, Ottawa, Belleville and Thunder Bay. Representatives of all parts of the community were invited to discuss the issue of extending funding and the concept of unified school boards. The OSSTF began to receive letters from parents and citizens across the province. Those letters expressed deep concern about whether their neighbourhood school would be closed and whether their children would be bused to nearby towns. The concerns existed everywhere, but particularly in rural and northern parts of the province.

Those of us who were concerned about preserving the public school system felt we had nowhere to turn. As the public became more educated about this controversial issue, opinion began to shift. In a poll published by the *Globe and Mail* just prior to the May 2 election, 45 per cent of the decided voters opposed the extension of funding, while 42 per cent favoured it. Independent candidates who raised the issue, as well as intensive media coverage, helped to explain many of the problems with the creation of a dual public secondary school system. Although none of the parties emphasized the issue of extending funding, by May 2 it had become the number two issue in the eyes of the public,

ranking in importance only behind unemployment.

2:40 p.m.

Political analysts have stated that the OSSTF's activities raised public consciousness on the issue and had an effect on the election outcome. We would like to think so, but apparently the voters' message delivered so emphatically on May 2 has failed to divert the wills of those directing present government policy. There is still no legislative representation for those of us who support one quality public education system for Ontario. There is still no mandate from the people of the province for the government to proceed, even if the legislation was passed in June.

The existence of two publicly funded elementary school systems, not equal but both guaranteed existence, one by the desire of the majority of the people and the other by the British North America Act, was confirmed in 1867 and has continued to the present. However, post-elementary education is an entirely different matter. There has never been any legal, judicial or historical right to public funding outside the public system.

Public secondary schools were established under the law in 1871. They were to be nondenominational schools to which all taxpayers contributed and to which all individuals had right of access as students and employees. They have continued to operate in this fashion until the present day.

I would like to highlight chapter 1 of our brief and point out that Ontario's existing public secondary school education reflects the diversity and multicultural pluralism of a society that accepts all students, regardless of race, sex, language, religion, ethnic origin or economic circumstances.

Since its founding in 1919, OSSTF has supported the philosophy of public secondary education that is open to all and has opposed the extension of public funding to denominational or private schools. In large measure, the public secondary schools practised the values of the Ontario Human Rights Code long before it became law. Public education is the cornerstone of the growth of a democratic society.

We believe public education adheres to the following principles: it is available equally to all students; it does not discriminate in hiring, promotion, evaluation and dismissal on the basis of sex, creed, race, marital status and so on; it is open-minded to the critical evaluation of all points of view; it educates to develop that critical

faculty, not to indoctrinate in one truth, be that truth religious, political or economic; and it promotes the common good of all society.

There is no doubt that denominational control of schools has been an ongoing political question for about 150 years, but the decision to extend funding to separate secondary education was made essentially, we believe, on political rather than educational grounds. Tom Wells, while he was Minister of Education, said, "The fact of the matter is that in this province education is a political matter." The validity of that statement was very evident on June 12, 1984. The June 12 announcement and Bill 30 represent a reallocation of rights, duties and responsibilities that run counter to trends developed in Ontario over the past quarter century.

Over the past decade, increasing demands on government funds have drastically reduced the level of government support. On July 11, as you will know better than I, the Treasurer (Mr. Nixon) suggested we need even further restraint. I believe he talked about chopping \$250 million from the budget. Can Ontario afford to spend hundreds of millions of dollars at this time to provide a parallel public secondary school system?

We have boxed in our first recommendation. As a standing committee, you can approve the bill as it stands and report it to the House without or with amendments, or you can not report it. It is our belief that the standing committee on social development could best serve the interests of all the people of Ontario by not reporting the bill to the Legislature.

We ask you to take this serious and important step because of the lack of meaningful, democratic, due process in arriving at the public position which is at the heart of the bill. In constitutional terms, we believe the bill is seriously flawed because it would violate equality provisions of the Canadian Charter of Rights and Freedoms with respect to discrimination based on religion.

At the same time, we call on the government of Ontario not to proceed with its announced intention to provide interim funding to public secondary schools operated by Roman Catholic separate school boards this fall, in the absence of the approval of Bill 30, a court ruling on the constitutionality of the legislation or any statutory legislation authorizing even interim funding measures for public secondary schools operated by Roman Catholic separate school boards.

Until Bill 30 was introduced in the Legislature, the decision to attempt to provide public

funding for Roman Catholic separate secondary schools was devoid of normal, due democratic process. No public policy of such importance has been dealt with in such an arbitrary fashion in human memory in this province. We spelled this out to the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario in our February brief, and you will find that as appendix F on pages 7 and 8 of our submission.

Without debate in the Legislature, an implementation commission was established to recommend how the policy could best be implemented. This was done before there was any opportunity on the part of the public to participate in a public legislative forum to determine whether this would be a desirable public policy. It appears evident to us that the social development committee is also determined to discuss only how best to implement the full funding to Roman Catholic separate secondary schools and not the crucial question of whether it should be implemented at all.

The contradictory maxim seems to be: first the decision, then the debate. The parties seem to make much of the fact that they all agreed with then-Premier Davis's policy statement. If all-party agreement outside the legislative context is to be used as a new standard in giving policy statements legitimacy, then the public clearly needs protection from the tyranny of all-party agreements.

The separate school funding issue is not an easy one, because it involves an essential clash of values: one between a sectarian vision of a society and that of a secular, multicultural mosaic which Ontario has become in the latter part of the 20th century. The sobering thought is that the real decision will probably not be initially in the hands of the Ontario Legislature but in the hands of the justices of the Supreme Court of Canada, which will determine which vision of Ontario will prevail.

Despite our profound philosophic and educational objection to Bill 30, the federation is well aware that the committee's concern is to examine and receive full public input on the contents of the proposed legislation. In the interests of public secondary education, the teachers who work in it and the students who are the reason for its existence, the Ontario Secondary School Teachers' Federation presents its brief to the social development committee.

Our first section deals with the effect on the public secondary schools if full funding to public secondary schools operated by the Roman

Catholic separate school boards goes ahead. I call on my colleague Mr. Eaton to present the first section regarding student access.

2:50 p.m.

Mr. Eaton: It would be proper for us to say, as educators, that one of our main concerns as an association is students, those in our schools and all students in Ontario. Regardless of the outcome of court rulings, we have to look at that aspect and the aspect of their access to schools.

The public school system has always been accessible to all people in our society, and there is no reason to change that at this point in time. We have to adjudicate a person's ability to go to school on the basis of the best program for that child and the best future for that child in an educational environment.

There is no reason to believe that usual patterns of attendance would not prevail, and there is no reason to believe that the point enunciated by the minister on behalf of the government with regard to access could not be done without using accommodation, and an artificial indicator of accommodation, to reduce that access.

We plead with you to look at the access question from the point of view of full access to both systems if we are going that route.

Also from the point of view of access, we have to comment on our francophone students. While the present legislation envisages an avenue for non-Catholic students to opt out of religious instruction and other religious parts of the curriculum, it must also permit Roman Catholic francophone students the option of continuing to be part of a francophone public system as opposed to a francophone separate school system, to be free to receive education programs without compulsory religious credit courses.

We emphasize that the bill, as we read it, does not create separate secondary school boards but rather gives existing separate boards which so opt the right to "perform the duties of a secondary board."

If we are going to get into the access question, one thing we suggest is that you may have to get a definition. We are not necessarily trying to sell the definitions we have in here. We do not know whether they are necessarily the right ones, but we put them forward because, if you do not have a definition in the act, you are leaving it to religious authorities to come up with a definition, and we do not think that is proper in a publicly operated school system.

We would also like to comment from the point of view of principals of our secondary schools in

the public sector who have dealt for a number of years with the question of access when students come from the separate school system to the secondary level of the school. The following are the types of questions they have raised and brought to us.

What would be the basis of admission to either system? Will admission be based simply on the report of religious affiliation of the student or his or her parents, or will some degrees of involvement with the church be allowed? In many religious faiths there is a portion of the membership that may be designated as nominal or inactive; will this be a factor from the point of view of access? What happens if both systems say they will not access a student to the educational program?

The questions are there in either system, but we think that with open access we will deal with the question of their education and the best program, as opposed to dealing with the religious issue that is there. In the section of the act, which we will come to again, our statement simply says we should allow access to these programs to any student who lives in Ontario.

Mr. Albert: The section on job displacement is on page 8, where you will see it is our view that in opting to perform the duties of a secondary board the separate school board cannot exceed the powers of existing secondary boards, namely, the right to hire, evaluate, promote or dismiss teachers and other staff on a religious discriminatory basis.

We would argue that Roman Catholic separate school boards electing to perform the duties of a secondary board should not be able to discriminate against non-Catholics in the enhanced system, especially now that there exists the Charter of Rights and Freedoms.

It is our understanding, for instance, that teachers anticipating leadership positions with Roman Catholic school boards are being advised to have a minimum of part II of the Ontario English Catholic Teachers' Association-Ontario Separate School Trustees' Association religion courses. Roman Catholic school boards are now moving in this direction in making leadership appointments.

Thousands of OSSTF members, already threatened by declining enrolment and Ministry of Education changes in educational policy, namely, the Ontario Schools, Intermediate and Senior Divisions curriculum guidelines, now face further displacement as a result of the government's plan to extend full funding to

public secondary schools operated by Roman Catholic separate school boards.

The human concerns involved in the extension of public funding must be the primary focus of the decisions made by the government. The extension of full funding is tantamount to a partial shutdown of the public secondary school system, and we believe it must be treated accordingly.

OSSTF also asks the government to consider carefully the human dilemma of the nonteaching staff employed by public boards of education. At the bottom of the page we note that Bill Newnham, the chairman of the planning and implementation commission, stated as early as October 1984 that "the loss of teaching positions in secondary schools in boards of education because of shifts in enrolment will be a major problem at a time when student numbers are already shrinking."

We would like to give you some current information we have on OSIS curriculum guidelines. David Eaton will explain some of our graphs and information on them.

Mr. Eaton: I do not intend to go into great depth. The first appendixes in the back, A1, A2 and A3, give you some figures that the principals of OSSTF have pulled together on a survey over two years now. I would like to go through them quickly to tell you what they are about so you can look at them at your leisure.

The first one, A1, is basically a check of a survey we did a year ago indicating the shifts that were happening because of the implementation of OSIS. We were concerned about the shifts from the point of view of the technological subjects and the business studies and what was happening, and how we were trying to put staff in the various places they were needed.

A2 is a comparison of the option sheets for 1984-85 with those we received for 1985-86. I would like to point out that we have some drops there. The ministry figures show a drop of about one and a half per cent for this year. If you look at English or math as the main subjects most students take, you are looking at about 10 per cent or 11 per cent; so we cannot account for a nine per cent drop, or about 11,250 students. We are assuming at this point that those students are intending to go to the separate schools. We have no other answer because we did not have that anomaly last year.

What we are being hit with, and the point we are trying to make, is that in the midst of trying to deal with separate school funding, we are dealing with serious shifts of staffing from the point of

view of the ministry and OSIS as well as dealing with declining enrolment at the same time. It indicates the pressure that is on both the system and the people in the system.

If you look at A3, and we have some comments from A3 on the chart on the wall, you will see the accumulated shift over two years. It is fair to say our technological studies program has been badly affected by some of the changes, and our business studies and family studies programs have been hit very hard.

This means there will be redundancies in some areas where there are special certificates, and there will be a movement of teachers in those areas. Again we point out that we are looking at separate school funding and those issues while the public school system is still wrestling with the problems that OSIS and declining enrolment have brought to it.

We hope the committee members will look at this in more depth later, but we want to point out what is happening to our school system because of three factors: the implementation of the new curriculum, the declining enrolment and the potential shift to the separate school system.

Mr. Albert: Referring back to page 10, I would like to highlight for the members of the committee the anticipated decline in enrolment between now and 1990. This is based on Ministry of Education data dated January 1985, so it is more recent than what we had when we went before the planning and implementation commission.

There is an anticipated loss of 42,406 public secondary students between now and 1990 as a result of declining enrolment, and that will result in a projected loss of 2,703 teachers. This projection is based on the pupil-teacher ratio of 15.69:1 established by the Education Relations Commission as the average in the province in the past year. We have charted that for you in terms of what has been put up on the slide, and those tables are there for your information.

Getting into projections and predictions is a difficult thing at any time, and we do not claim to have necessarily the most accurate projection of the enrolment shift, but in all our estimates before you we have attempted to use data the government has put forward.

3 p.m.

In November we warned the planning and implementation commission that extension of public funding to the Roman Catholic secondary schools could result in a net loss of 132,736 students above and beyond the anticipated loss of the 47,000 resulting from declining enrolment.

Add 2,700 teachers to the 8,460 teaching positions we feel could be lost to the public secondary schools and you have an idea of an impact where we may be looking at as many as one in three public secondary school teachers being displaced between now and 1990. We have seen no firm statistical analysis from either the ministry or the planning and implementation commission to dissuade us from our worst case scenario.

I would like to bring the parenthetical comment to your attention. We note that the initial funding estimates were wrong by 100 per cent, I believe Mr. Cooke brought that to the attention of this committee last week, so we certainly have to be very concerned about the projected loss of teaching jobs in the public school system.

We challenge, I suppose, and urge both the ministry and the planning and implementation commission to show this committee and the public the five-year enrolment projections provided by the Roman Catholic separate school boards whose plans have already been approved. We further call upon the Ministry of Education and the planning and implementation commission to provide their best estimates on enrolment and cost projections between now and 1990. We feel we are standing on quicksand on this issue and that we do not have all the precise data we need.

The membership affiliation question cannot be taken lightly. It has a long historical background. We think that Bill 30 impacts directly on the issue of membership for our teachers. Some of the concerns which arise are:

1. Should any secondary school teacher be compelled to take membership in an organization with specific denominational objectives?
2. If the legislation permits a separate school board "to perform the duties of a secondary board," are the teachers employed under this section employees of a secondary school board and thus public secondary school teachers?
3. What residual duties does the OSSTF have to undertake to protect designated persons? What representational rights would have to be undertaken?

4. By which federation would the interests of all secondary school teachers, whichever their employing board, best be represented?

The Ontario Secondary School Teachers' Federation reaffirms its right, subject to consensual limitations, to represent all secondary school teachers who are employed by a board of education which is recognized in the Education Act as having the obligation or having the

privilege to elect to perform the duties of a secondary school board.

Because of our concerns regarding constitutional validity, the OSSTF urges the government of Ontario to treat all designated teachers in Bill 30 as secondments until the courts have determined what may legally be allowed. We refer specifically to the legislation in chapter IV of our brief. During the period of interim funding proposed by the government, the OSSTF believes it is only fair and equitable to provide for the reversibility of all actions taken in the absence of clearly established legal authority. By providing that all personnel transfers be treated as secondments, an orderly reversibility mechanism would then be in place.

In addition to the concerns in general regarding the shift in our own membership we have some concerns about the disproportionate impact the extension of funding will have on our youngest members, and on women in particular. I call upon Ruth Baumann to present this part of the brief to you.

Ms. Baumann: My president, Mr. Albert, referred earlier to the fact that the legislation refers to the right of the separate school board to perform the duties of a secondary board. Particularly when we look at the question of affirmative action and equal opportunity, one of the questions we must ask you, as members of the standing committee on social development, is what the obligations of such a secondary school board will be with regard to employment in general, as well as to the employment specifically of those persons designated.

The last 25 years have brought to our society a recognition of the rights of all—women, immigrants, visible minorities and the handicapped. This government has made commitments to affirmative action in the work place. There is an existing cabinet policy which requires that prior to the introduction of any new policy or legislation an impact analysis be done to ensure that initiatives do not have a negative or disproportionate impact on affirmative action for women employees.

Indeed, during the last provincial election, we questioned the leaders of all three parties specifically on the effect of this policy initiative on women teachers, both in terms of the impact analysis and in terms of what kinds of measures, specifically early retirement provisions, the parties were prepared to undertake.

In appendix K in your materials, you will find a memorandum that we circulated to all of our members, which includes the answers the three

leaders gave. I would simply indicate to you that Mr. Peterson indicated he was ready to bring in, "wholesale reform of our pension system, including the teachers' superannuation fund, to significantly increase our ability to offer enhanced early retirement incentives." Mr. Rae said he could think of no better time to move to more attractive early retirement incentives for teachers.

With respect to the impact analysis for affirmative action being done prior to any implementation, Mr. Peterson said, "We will conduct an analysis of the impact of implementation on women now in the public system with a view to developing an appropriate strategy to offset any detrimental effects." Mr. Rae indicated that an independent analysis was a good idea. Mr. F. S. Miller, who was Premier at that time, said the government was committed to achieving equality for women in every sphere of society and that we could be confident that any government he led would not undertake any program or initiative that would jeopardize that principle.

To our knowledge, such an impact analysis has yet to be done. Certainly it has not been announced if it has been done or if it is intended to be done.

We would draw your attention to the figures on page 15 of our brief indicating the current situation within our own membership, showing that while within the total membership of the Ontario Secondary School Teachers' Federation women comprise 33.4 per cent of the total, of those teachers with five or fewer years' experience women are 55.9 per cent of the total. There are more junior women teachers than there are junior men teachers.

The principle of seniority in dealing with declining enrolment has been well established and accepted by all of the federations and, at this point, by virtually all of the school boards in the province. It leads us to then examine what happens in terms of how persons are designated and how people will move between the boards.

The simple fact is, it is most likely that we will find larger numbers of women being displaced because of the extension of full funding to separate secondary schools, and we will find a proportionate loss of women teachers in public nondenominational secondary schools. Even with the system of voluntarism, it is likely that junior teachers will seek to move to the separate system because they will see greater security in the expanding system and greater risk in the contracting one.

It is conceivable that we will find a substantial greying as well as perhaps a substantial masculinization, if you will, of the public nondenominational secondary schools. Those are serious concerns that we have as it affects the environment in which our young people grow up.

We have specifically drawn your attention to women and affirmative action, but in particularly large urban boards where there are substantial immigrant populations there has been a conscious effort to expand the hiring of teaching staff to include visible minorities and multicultural representation within the teaching staff. Again, I think one would find on close examination that many of these individuals are relatively junior within the systems and are likely to find themselves in some jeopardy.

Mr. Albert said earlier that if the separate schools were to hold at the secondary level the proportion of the pupil population they currently have at the elementary school level, approximately 8,000 teaching positions would move from the public system to the separate system. The number of teachers who have five or fewer years' experience is 4,500, so it is very conceivable that all of those teachers with five or fewer years' experience would find themselves moving from one system to the other.

3:10 p.m.

The questions this brings to the committee and the Legislature are that we must test any legislative measure with respect to the extension of public funding for separate secondary schools against these criteria:

Will it retain a mix of teachers with respect to age, experience and qualifications? Will it retain a proportionate mix of men and women teachers in each school and board? Will it provide for continuing attempts to have a teaching staff that reflects the varied ethnic and racial mix of our communities? Will it offer flexibility, choice and variety for the teachers and the communities in which they serve?

What is the policy of Roman Catholic separate school boards regarding affirmative action? How do we as a society reconcile the principle of discrimination embodied in denominational rights with affirmative action and equal opportunity; and how do we reconcile that with schools which offend by precept an example of the values of our society?

What will be the status of designated or nondesignated persons in those school boards with respect to promotion, whether they are women, members of minority religious groups or visible minorities? What monitoring will occur in

terms of opportunities for promotion and advancement of persons who are not Catholic?

These questions must be addressed carefully if we are to live simultaneously with the intent of Bill 30 and the stated policies of this government, of all three parties and of our society as a whole with respect to the rights of women and visible minorities in the latter part of the 20th century in Ontario.

Mr. Albert: With regard to the section on school closures and school transfers, to show the impact on the public secondary school system, there are approximately 630 public secondary schools across this province. If you surmise that even 100,000 students, which is not our worst-case scenario, elect to be educated in Roman Catholic separate secondary schools, then if you take the average size of about 1,000 students in a school you are looking at the potential transfer of 100 public secondary schools to the Roman Catholic school boards.

We urge the committee consider adding a variable to address this situation and the small-school situation that follows. We suggest there perhaps be a two-year moratorium where a currently occupied building has to be closed and then transferred. School closure is a very emotional issue, as anyone who has been involved in such a dispute knows. This is even more important in communities where facilities may have to be shared and we have some information on that aspect, too.

We have further recommendations on small schools and isolated schools that Mr. Eaton will present to you.

Mr. Eaton: The small-school issue is one that has been before this committee before. You have received some of the data. We looked at it again before our presentation to you and we are really concerned about the number of small schools at the secondary level.

In 1984-85, the number of small secondary schools was 183, a 110 per cent increase over 1979, the small school being defined for the purposes of this brief as having 600 students or fewer.

There is no question that the ministry is concerned about this area and so is the Ontario Secondary School Teachers' Federation. For some three years we have run a program for leaders in small schools to try to address the difficult time they have in putting the program together and operating it with the small size. It is difficult. Our teachers and principals need a lot of plaudits for getting the programs to the state they are in in the small-school jurisdictions.

It is clear that special funding will be required to ensure the quality of the increasing number of small schools as funding goes from public secondary schools to public secondary schools operated by Roman Catholic separate school boards. When you look at some of the numbers and some of the areas, it is disconcerting. Some information was brought to you; I believe the figure was 174 single-high-school jurisdictions in Ontario. We counted 180 but I am sure we could get together on that figure. Of that 180, 81 of those single areas will stand at enrolments of under 600. They will be single-secondary-school communities with fewer than 600 people.

What happens in a place like Michipicoten, where Wawa is going in the fall now? A school of 520 will go to a French entity of 110 and an English entity of 410. It then has the possibility, and I do not know what decisions are being made there, of being split again from the point of view of a separate school.

What happens in areas that are isolated more than 32 kilometres away from some other centre,—such as, just to name a few: Iroquois, Coyne, Madoc, Bancroft, Deep River, Haliburton, Parry Sound, Wingham? I am just giving you a few as an example of a long list of schools and areas that are going to be hit hard, not only from the point of view of being a small school but from being in an isolated school jurisdiction.

I know there is sympathy for the small-school area. We realize the Allan report came down. There has been some propping up of that. However, there are educational issues that are related here. There are funding issues and weighting factors that are increased when you split small schools, and there is going to be the added need of extra funding to ensure you can continue that program.

Let me tell you that many of these small schools have great difficulty in offering the senior program simply because their numbers cannot support that senior level of students. To have the senior level of students and to offer that program, teachers take on double duty, mixed classes and larger numbers in the lower grades. That is the only option.

This area becomes more serious under extension of separate school funding and is an area that must be addressed quite seriously indeed.

Mr. Albert: In this section we have tried to show you the impact that the extension of funding can have on students, their programs, the teachers who provide those programs, affirmative action programs and on the potential for

school closure in this province in the next few years.

The legislation speaks about protection of the public school system, but does not really provide much direct evidence that protection will be there. Obviously we think this protection will take some money. Our next chapter leads into some of the financial concerns and implications that we have. Ruth Baumann will present that section.

Ms. Baumann: This province has an education system of which I think it is justifiably proud. Study after study has indicated we have programs that are without parallel and teachers who are not only among the highest-qualified, but who also, according to a study by the Ontario Institute for Studies in Education, have maintained standards of excellence that are second to none anywhere in North America.

Public secondary school teachers have maintained an education system of unrivalled quality despite what we perceive to be a deliberate government policy of reducing its share of funding and assigning to education a lower priority than it deserves.

Budgets reflect the real priorities of government. The decline in the level of provincial funding for education in the past decade reflects a decline in the priority that the government of this province has placed on education.

It is clear that there is public support for increased spending in education. A September 1984 Gallup poll conducted by David Livingstone of OISE showed an 86 per cent majority of Ontario residents rejected cutbacks in education by the provincial government, 46 per cent supported increased spending in education and 40 per cent believed spending levels should remain at least at current levels.

On the chart you see what has happened to the education share of total provincial government expenditures over the last 15 years relative to health expenditures. Education has gone from 41 per cent of the total provincial government budget down to 20 per cent at the same time that health has gone from 22 to 31 per cent.

For those who would argue that we have fewer students and therefore should be spending less money, I would simply add, as a parenthetical comment to what we have in our brief, that the fewer students who are there today are the ones who will be supporting all of us in this room as we go into our greying years or are in our greying years. I hope we would not mortgage our future on their backs by providing them with short shrift.

Education is an investment in the future of our province and the future of our country. The government's proportion of total education expenditures over the last 10 years has decreased from a high of 59 per cent in 1975 to 38 per cent this year.

3:20 p.m.

Given the recent history of government commitment to education in Ontario, we believe the public legitimately needs to know how much the extension of funding to the Roman Catholic separate secondary schools will cost. Estimates were put forward earlier that, as we said, have now been revised upwards by 100 per cent to \$80 million for 1985-86, to \$130 million for 1986-87 and to \$150 million a year thereafter. We are still not sure about those figures.

Mr. Eaton talked about small schools and remote schools. There are at present in Ontario 140 single-school communities with schools with fewer than 1,000 pupils. If each of those communities now runs two schools under the auspices of two school boards, the number of schools eligible for special grants by reason of being small will increase dramatically. The number of schools eligible for increased grants, because they are isolated relative to other schools operated by similar boards or the same boards, will also increase dramatically. We believe that, in and of itself, could account for an additional \$20 million to \$40 million a year.

We recognize and draw your attention to the tremendous complexities of education finance and the reallocation of finances that we believe will occur in education as a result of this policy. It is not simply something that is going to happen because Queen's Park puts in more money. There will be shifts in the tax base available to local school boards and there will be resulting shifts in grants.

For example, in Metropolitan Toronto, the Metropolitan Toronto School Board estimates that in 1985 it will lose \$12 billion in assessments, which will result in a revenue loss in the local levy of about \$71 million. Because of the loss of assessment, they will recover some of that through provincial grants, but the net loss will be the portion they now are carrying above the recognized ordinary expenditure, which would be in the order of \$20 million for the students who would move.

A survey by the Association of Large School Boards in Ontario of some other boards indicated that the three boards that were able to respond to their questions quickly and to try to do the mathematics believe they will lose about \$6

million in revenue in the next year. I understand that is roughly the estimate the ministry has provided of what it thinks it will cost next year across the whole province to make up the difference between the two systems.

There is no question the creation of a second system in every community will be very high. The costs will be the costs of total duplication. We believe they have to be examined carefully.

Enrolment declines will further exacerbate per-pupil costs as we attempt to offer the full range of programs Mr. Eaton referred to. We know from our experience with declining enrolment that costs do not decline as student numbers decline and that there is not a linear relationship, as the basic maintenance of plant and program has a critical mass that must be maintained regardless of the number of students.

On top of the fundamental question of what happens to grant moneys and tax bases, there is the proposed change in the definition of what constitutes a full-time student, which is now in a ministry memorandum, where the required number of minutes of instruction per day for a full-time pupil would increase from 151 minutes a day to 210.

While there will be some offsetting in terms of changes in reporting dates of school boards to the ministry, of the boards that we have had a chance to talk to and survey, there is no question that increasing the instructional time required to define a full-time student for grant purposes will have a further adverse effect on the funding available to school boards, particularly public school boards.

We believe that to make this initiative work for the benefit of all the young people in Ontario, the proportionate costs borne by the provincial government for public secondary education must increase substantially if students are not to suffer. As we have said to the planning and implementation commission and to the commission on financing, we believe the unified school board would be one method of handling that costly duplication of services and we commend it to your attention. It is included in our appendices.

We believe it is incumbent on the government to restore the average share borne by the provincial government for public secondary education to at least 50 per cent in 1985-86, 55 per cent in 1986-87 and 60 per cent in 1987-88.

Mr. Albert: Just to supplement that point, Ruth has already referred members of the committee to appendix K. From their own mouths, the leadership candidates for the three parties answered question 10, which specifically

asked about restoring the provincial share of funding to the 60 per cent level. We are happy to report that both Mr. Peterson and Mr. Rae supported a commitment to seeing that provision returned to the 60 per cent range. We encourage them, now that Mr. Peterson and the Liberals have formed a government with the support of the NDP, to act upon that promise.

I want to point out one other item. I believe in 1981 the then Education critic for the Liberal Party asked the Minister of Education of the day whether the figures regarding the per-pupil grants could be provided in constant dollars. Before I give you the figures, the minister responded to Issues and Directions by saying you cannot reduce the real per-pupil grant any further and still have equality of educational opportunity.

Yet the per-pupil grant in constant dollars was \$2,040 in 1975 and in 1983 had slipped to \$1,713. The point we are trying to make, and many other people have tried to make, is that the funding for the public school system, public secondary schools in particular, has not been sufficient in the last 10 years.

Chapter IV deals with our concerns about the proposed legislation itself. By using reverse print—you will be happy to know that half the bulk in this section is your own bill; it is not all OSSTF comment—we have attempted to give you a detailed response on our concerns about the legislation.

I would highlight on page 24 that we have written to the clerk of the committee requesting that we have an opportunity to reappear before this committee to offer further comment. If you are going to amend the legislation, because it has such a pronounced effect on our membership, we think it is incumbent upon you to permit us to return, as the representatives of so many of the people who will be affected. We put in that pitch, if you like, at this stage. I understand much of this will be resolved in the courts and we can all be lawyers for a while. We are certainly all going to make lawyers rich in the next little while.

The first paragraph on page 25 deals with our belief that the Roman Catholic school boards do not enjoy the right to provide secondary education. We believe they are essentially the administrators of elementary schools; in fact, grade 9 and 10 grants at present are based on elementary allotments. We talk about adjusted elementary grants.

They are not a secondary school system in any manner or form, and we do not think, with the Charter of Rights and Freedoms, which all three

parties have supported, the kind of powers you are conferring on one denominational group can be done legally.

At the same time, we believe the Charter of Rights will safeguard the freedoms of individuals in our society. As Dr. Hogg has indicated in the excerpt we have provided, it really lessens your power. To us, that is the new reality in Ontario, that the Charter of Rights will protect us from retroactive legislation or from the Legislature in terms of violations of basic human rights.

I call on Ruth to highlight our concerns on the sections on page 26.

3:30 p.m.

Ms. Baumann: We believe the proposed amendments to subsection 1(1) of the Education Act leave out a number of important definitions, such as creed, teacher, substantially similar, Roman Catholic public school student, best interests of public education, program and good faith. I suppose in a sense we are being rhetorical here, yet these words are used within the legislation and are going to be open to interpretation. It is like talking about what "appropriate" means in a legislative context. It is important for us as a secondary school teachers' federation to be able to give specific meaning to those words in order to provide advice to our members about what this legislation would do for them. We believe those questions will be decided by the courts if those definitions are not included here.

In section 2, we have some questions about the meaning of the addition of subsection 136a(1), "A separate school board may elect to perform the duties of a secondary school board for the area of jurisdiction of the board." We would like to know what the implications of this are for adult and continuing education. Will there now be separate adult and continuing education programs as well as separate secondary school programs for adolescents? How far are the three parties and the government prepared to duplicate programs? What are the implications for the colleges of applied arts and technology and the universities?

The duties of existing public school boards do not permit discriminatory hiring on the basis of religion. In the assumption of the duties of a public secondary school board, will the Roman Catholic separate school board assume those obligations that the public board has not to discriminate? It is arguable that the legislation, as it is put forward, does not put that obligation not to discriminate in all its hiring on the separate school board with respect to secondary schools.

It specifically addresses only the question of those persons designated.

I suggest the legislation would appear to entrench the denominational rights of the separate school boards with respect to secondary education and to provide exceptions to those denominational rights rather than newly defining the rights of separate school boards with respect to secondary schools in a way that would be consistent with the Ontario Human Rights Code and the Charter of Rights and Freedoms in terms of discrimination in a general sense.

Mr. Albert: Mr. Bethune will deal with the next section of the legislation.

Mr. Bethune: Last week, the representatives of the legislative branch of the ministry appeared before you and set forth the assumptions they had made when they began to draft this bill. If I got them down correctly, they were that the bill was constitutionally sound, that the planning and implementation commission would play a large role locally and that any agreement or arrangement must work in a local context.

When you examine this legislation, the second two assumptions begin to run up against what is already existing in Ontario for teachers, and that is collective bargaining. The planning and implementation commission's powers, in my view, infringe directly on existing collective agreements, limit the open scope of the School Boards and Teachers Collective Negotiations Act and will seriously impinge on the collective bargaining process.

The outcome of the efforts of the legislative branch totally ignores the existence of collective bargaining. Indeed, the words "collective agreement" are only mentioned once in the entire act and that is in subsection 136m(15). The guidelines proposed for the commission, if the commission is not made subject to the collective agreements, will impinge on these existing rights.

The time lines for the declaration of surplus teachers or teachers made redundant as a result not only of declining enrolment but also of the extension of public funds will conflict with each other unless the commission is subject to the collective agreements. It is a serious concern of ours that the wide powers given to the planning and implementation commission will affect rights already vested with teachers. We will talk more about that when we get to the retirement gratuities section.

These are general concerns we have in this section with the powers of the commission. I think the creation of another quango is not in the

interests of either collective bargaining or the people of Ontario.

Ms. Baumann will comment further.

Ms. Baumann: The areas of legislation addressed on pages 29 and 30 deal specifically with the grants and the decision-making process. Throughout the last few months, we have put forward the position that a system of unified secondary school boards is the only one that makes sense with respect to administrative and financial operations. If we are to have denominational education at the secondary school level, that should be under the aegis of a unified or common school board that would have specific powers within it given to a subset of its members to run the denominational portion.

As one looks through the impact the extension will have on the current system of financing, one ends up in quite a quagmire. The legislation refers to the regulations. When one looks at those and wades through what happens now and what will happen in the future, what we find is a massive shift with respect to assessment base from the existing public secondary schools to the new separate ones. As I mentioned earlier, there will be concomitant shifts in grant distribution. A whole series of difficulties will ensue as we get to later pages, looking at what happens to specific pupils.

Specifically with reference to section 136e, we would like to know where to find the provision for entitlement to legislative grants for public wards to protect the viability and quality of their programs. To put it bluntly, I guess we want to see in the legislation some of the guarantees we have heard in the speeches.

In the summary of costs, the ministry has indicated the need for \$6.1-million worth of assistance to protect because of the enrolment shift. As we said earlier, preliminary reports would indicate a small handful of boards has already decided it will account for that figure. We would really like to see some detailed work on exactly what that will cost over the next while. We would like to see that recognized in the legislation.

We believe section 136f is unnecessary and misleading because it again deals with retroactivity. This is the section that would put into legislation what the government has already said it intends to do for 1985 by regulation and order in council. There is no legislative authority that is clear at this point for that kind of action. We believe it is a violation of due process and provides special treatment for the Roman Catholic separate school boards.

How can there be compliance with the other provisions relating to the protection of teachers when the school boards have not yet designated teachers, nor have the guidelines and definitions been established by the planning and implementation commission? How then can a separate school board comply now with subsection 136e(4)?

The next portion at the top of page 30 requires the separate board to comply with subsection 136e(4), but again we are looking at retroactivity.

Section 136f requires substantial revision, we believe.

Sections 136g and 136h permit the wholesale transfer of French schools under part XI, with the funding being immediately available to all grades. Mr. Albert referred earlier to the difficulties in terms of the membership and representation question for the teachers' federation and who will represent it. We think those questions are particularly acute when one looks at the possible designation of an entire school from the public to the separate school board at one time.

Can a Roman Catholic separate school board simply start its own French school? If it did, would it then have to proceed one grade at a time rather than simply taking over the existing program holus-bolus?

3:40 p.m.

Section 136i addresses the question of the election of separate school trustees. It makes no sense to elect a representative in November who would then be removed from office in January. We suggest there is need for amendment in this section.

We believe taxes should follow the student. That is the case in the absence of a unified school board. The only way it makes sense is for tax representation to follow the student and the student's assignment.

We made our position clear on universal access of all students to programs in both systems and we believe, looking at the next sections, it would be necessary to allow families to prorate and split their tax assignment. We recognize there are some philosophic conflicts here, probably with the notion that all society pays for all schools but we generally do not track individual students.

It is not possible, for instance, for the person who does not have children in the system to split his or her taxes between the public system and the separate system; he or she must be either a

separate school supporter or a public school supporter.

From the standpoint of maintaining what we believe to be the very important position of universal access philosophically for any publicly funded system, we believe that, in the absence of a unified school board, it would be necessary to allow the splitting of a household's taxes for such purposes.

Mr. Albert: Section 1361 ostensibly provides protection to our members. If I can, I would like to distribute this letter which I have received from one of our OSSTF presidents in Durham.

There are five points we want to address in subsection 1. The first issue deals with the fact that what we are up against is guidelines to be issued by an arm's-length body, the planning and implementation commission. They are not going to be adequate, in our estimation, in regard to protection and guarantees for OSSTF members. The protections do not therefore have the force of law, nor are they prescribed by law, unlike a statute or regulation; thus the planning and implementation commission can change those guidelines as it sees fit and potentially strip teachers of their rights.

There is no guarantee that such guidelines will be applied consistently, and the proposal is therefore most dangerous to the protection of our members. Because the guidelines affect teachers' legal rights, the planning and implementation commission should be required to issue its guidelines for discussion by those affected—I think the Ontario Teachers' Federation argued that point as well—and then place them in regulatory form.

The regulation should be flexible in the areas of procedures and time lines, to pick up Mr. Bethune's point about individual collective agreements across this province, but they have to include the possibility of appeal to the minister.

If everyone has a copy of this letter, I would point something out to you. I know everyone would like to think the world is going on co-operatively and sensitively and no one is being adversely affected, but at the bottom of the first page you will notice reference is made to the Roman Catholic director of education for the Durham region board and his assurances that "teachers who transferred voluntarily to the separate school board would be granted their contract status and their seniority accrued in the public board and would have their salaries 'red-circled.'" Subsequently, four teachers from the public board were hired by the separate school board. However, none of the conditions"

the director "agreed to on May 6, 1985, was granted to those teachers.

"The four teachers have been put on probationary contracts and have been granted no seniority. Their seniority with the public board will count only in a tie-breaking provision in the redundancy procedure. They have been placed at the corresponding year on the salary grid. However, the two grids differ in structure and in amount of compensation; the separate school board grid is longer and at lower rates than that of the public school board. No arrangements have been made for retirement gratuity which the separate board no longer offers to new teachers but which is part of the contract of the public board."

The point is in the next paragraph:

"On June 27, 1985, the same group met again to re-examine the conditions which apply to teachers who voluntarily transfer to the separate school board. At that time, the OECTA president was unprepared to alter his executive's position regarding seniority. They maintain that seniority with the public board will count only in the tie-breaking clause of their redundancy procedure."

The difficulty we have, and it is addressed in our third point on page 33, is that the legislation talks about "designated persons." If you are not a designated person, even though people cross over to the Roman Catholic school board in good faith—whatever that means in Bill 30—they have, from our point of view, had the rug pulled out from under them.

We suggest a two-step process that would require the public board to designate the positions that would not be required, including positions of added responsibility. There is no provision for that at present. If a school is closed, if a principal loses his or her job, that is a teacher. That is the only protection there is now. The second step would involve the designation of persons, which we would hope would encourage the possibility of voluntary transfers as designated persons.

The difficulty we see with this is that in part it refers to protection by the OECTA for our present members who cross over, and in part it deals with the aspect of those designated persons and designated positions. We believe, as the Metropolitan Separate School Board argued here Monday, that there should be some aspect of voluntary recognition. At present, the legislation in no way can permit that, because you want the board to designate persons. If you designate positions, some people with 18 years' seniority or with four years' seniority or whatever can

offer themselves as designated persons. Section 1361 does not provide for that possibility.

The fourth area of concern we have with subsection 1 arises in regard to references to "the area or part of the area of jurisdiction." Where boards are not coterminous, the application of jurisdiction is unclear. I will give you one example. Haldimand-Norfolk has a Roman Catholic school board and Oxford has a Roman Catholic school board. If a school is set up in Tillsonburg for Roman Catholic students in Norfolk to attend as well, you are in no way satisfying or protecting the issue as you claim you want to do here, because you are limiting the definition of jurisdiction. It seems unfortunate to us that there is a big gap in the present wording of the legislation.

Our fifth point on subsection 1 is found at the top of page 34. We wonder whether there is recognition for the legitimate involvement of branch affiliates, OSSTF, OECTA, l'Association des enseignants franco-ontariens or whoever would be appropriate in this area. This clearly affects the legal and contractual rights of an affiliate's members, and we find it to be sadly lacking. We have concerns about school boards getting together and hammering out deals involving our retirement gratuities, accumulated sick leave or whatever. There is no protection there by the group legally responsible for that protection; that is, the union.

As to subsection 2, we oppose any limitation that affects the rights of a public secondary school teacher if the extension of funding is deemed to be legal and constitutional. We still state that you are looking at public secondary school teachers and public boards and then Roman Catholic school boards, and that all those public secondary school teachers should have the same rights in regard to nondiscrimination.

The point made on subsection 3 deals with the qualifications required for the positions. Without getting into too much detail, we know from trying to monitor this as a protective organization with school boards across the province that games occasionally can be played in the designation of qualifications required for a position; for instance, a music teacher who can also teach welding.

We feel what you have done here permits the Roman Catholic school board too much latitude, and we think you should ask the separate school board to file with the planning and implementation commission, the public school board, the teachers' federations and the ministry, its programs for the next year in time to comply with the

surplus procedure time lines in the collective agreements.

The words "whose qualifications recorded by the ministry" should be replaced by "who are qualified or can become qualified." Again, we think that opens up the opportunity.

Ruth will continue with the next section.

3:50 p.m.

Ms. Baumann: Subsection 4 refers to the ability of the Roman Catholic school board to hire other than designated persons only if no designated persons are available. We have several questions. What happens if there is no qualified person among the designated people? Does a designated person have precedence where a letter of permission may be required? Do comments that were made previously about subsection 3 apply to subsection 4 as well?

We should address the fact that the legislation talks about teachers, supervisory officers and teaching staff; it does not refer to department heads and assistant heads. It is not clear what the intention of the legislation is as it would apply to teachers in positions of added responsibility: principals, vice-principals, heads and assistant heads. There is specific reference to supervisory officers, to nonteaching staff and to teaching staff generally. We believe there needs to be some clarification.

Subsection 5 is the 10-year limitation on the obligations of the Roman Catholic school boards to these agreements. While we understand it is the intention of the legislation that the individual will be protected throughout his or her career, as this legislation has been drafted the question we raised earlier of the fundamental protection of denominational rights must be raised.

The 10-year limit of the restriction, as far as designated persons are concerned, of the requirements on the Roman Catholic secondary school boards is one we find untenable. There now are all kinds of students in the faculties of education who have no opportunity to become designated persons in the short term and who will find themselves completely cut off from one potential source of employment. We ask, and the question must be answered: is it appropriate ever to put a time limit on this kind of discrimination?

On subsections 6 and 7, we have questions about the viability of a provincial pool. We believe the responsibility for teacher protection lies with the local school board, as outlined in subsection 8. With this reference to subsection 8, we believe the legislation must make it clear that the persons designated are protected over and

above the staff complement generated by the collective agreement.

There still has not been an effective working-through of the relationship of this legislation to the collective agreements that exist between either public boards and their teachers or separate boards and their teachers. The full cost of protecting these teachers should be borne by the provincial grants, and the legislation must guarantee that no other teacher shall be terminated because a public board is required to retain a designated teacher.

Subsection 9 discusses the refusal of an offer of employment. Looking at the discrimination question, can a designated person refuse employment with the Roman Catholic separate school board on the basis of religious beliefs and remain designated? What is the status of the individual who finds himself or herself in fundamental conflict with the stated objectives of the Roman Catholic separate school system and is junior enough to become a designated person? Does that person, by virtue of his or her religious beliefs, find himself or herself a homeless soul?

Subsection 10 refers to the rate of salary not being less than the rate of salary that would have applied had they continued in the employ in the first year. We are concerned that salary is referred to without reference to responsibility allowances, among other things, and that the question is not simply one of the first year; we believe the question is one of red-circling until the two agreements fall into line.

The Durham letter raises some of those questions, because the structure of the collective agreements is very different in some instances. It is possible that with 10 years in the public system you might be at maximum, and you could move to the separate system and discover it takes 14 years to get to the maximum. Potentially, there is a period of four or five years when red-circling might be required.

In closing on this section, we ask you to look very carefully at whether the legislation should entrench the denominational rights of the separate school boards and then make exceptions; or outline the obligations of the separate school boards with respect to all of their hiring, and specifically to those people who would be displaced.

Mr. Bethune: There is a blithe assumption that the two systems for secondary purposes have operated in parallel as far as collective bargaining is concerned. This is not true. The only teachers in the Roman Catholic separate system who have collective bargaining rights in the high schools

are those employed in grades 9 and 10. The others are employed by private jurisdictions and have no collective bargaining rights unless, of course, their employers granted them something under the Labour Relations Act.

To assume there is a parallel, and that because there are retirement gratuities in the separate system there are retirement gratuities in the public secondary system, is dangerous. They are not the same. Their collective agreements reflect the conditions and opportunities for elementary teachers; ours deal with secondary teachers. Our wages and wage structures are not the same, and our positions of responsibility are not the same; neither are our fringe benefits or our tenure and redundancy procedures. So an easy transition is not going to be possible.

You cannot blithely assume the section on retirement gratuity in this act will meet the concerns of the secondary teachers. The federation has taken the position that the whole section should be rewritten, as was suggested by the Ontario Teachers' Federation. You will find this at page 39.

Subsection 18 is of considerable concern to us since it assumes some act of concord or something between the boards in which the legal rights of the teachers under collective agreements and under the negotiating bill had not been recognized. It would be very easy for boards to enter into these agreements to their mutual benefit but not necessarily that of their employees.

A further concern we have is that the time limitations would mean these would work against the interests of teachers. We are concerned about the discrimination possibilities of these time constraints and believe they ought to be removed.

Mr. Albert will comment on the next section.

Mr. Albert: Page 40 deals with subsection 19, which we believe is one of the key clauses in the legislation. It is insufficient simply to refer to the word "creed" in regard to employment and nondiscrimination. We believe the courts are going to be well blessed with talented lawyers if we leave that wording as it is.

We also understand both the minister and the ministry have indicated it is their understanding that a broader definition is implied by the use of that word. I understand my colleague the president of the Ontario English Catholic Teachers' Association has his own views on the definition of "creed," as I read in the paper this morning.

We hope this committee can broaden this definition and say what it means when using the word "creed," and not bypass this issue simply

because it is a hot potato. If it means lifestyle, then let the wording reflect that it means lifestyle.

4 p.m.

In addition, perhaps because of our fundamental philosophic belief about the public school system and about nondiscrimination, we believe there should be no discrimination with respect to employment against any person—period; designated by the public board or not. Our concern extends to the graduates from the faculties of education who are non-Catholic and will have nothing but problems trying to get jobs with public secondary school boards, and also with transfers from the public to the separate school system. Whether it is voluntary or designated should not matter at all.

Our concern is with the protection of teachers if their beliefs are not compatible with the Roman Catholic view of the world. We feel subsection 20 goes only part-way in addressing the issue. I am not suggesting someone was trying to be cute, but it seems to us that advancement in employment could simply be advancement through the grid from step 2 to step 10. It certainly does not mean promotion, in my estimation. It does not mean becoming a teacher and then a department head and a principal. If it is clearly the intent that someone is not going to be discriminated against with respect to promotion within the Roman Catholic system, then let us say that. Let us not mince words. We would argue for those amendments.

I know this point has been raised previously in the committee so I will not make a big issue of it. We believe the more common wording in legislation is "notwithstanding," and we would suggest it be used to replace "despite." Mr. Bethune will continue from page 42.

Mr. Bethune: On the provision of an arbitration procedure, while I suppose one would have to say it tries to address the issue of dispute, I would remind this committee that arbitration procedures in collective agreements are currently taking six months to get dealt with, not only under our own act but also under the Ontario Labour Relations Act.

Arbitrators are demanding \$1,200 a day. The appointment of sidesmen costs a similar amount. The affected employee has to wait and wait. It seems to us this section ought to be tightened up. There should be some reference to expedited arbitration, which would constrain the parties to move quickly. In our view, it does not deal sufficiently with recognizing who the parties are. We have serious concerns about that.

With great respect, I think the intent was probably an honest one, but perhaps a little advice from the Education Relations Commission or the Ontario Labour Relations Board might have been sought as to how to write a good arbitration procedure. As somebody who has been around them for a long time, I would not want to have work under this one, quite frankly.

Mr. Albert will comment on the next section.

Mr. Albert: It will actually be Ruth Baumann.

Ms. Baumann: We are back here to the question of taxes following the student and the questions of access.

I think we made our comments in our general presentation. Looking at section 1360, we believe that in the absence of a unified secondary school board, the taxes must follow the pupil. Access must be universal and there should not be limitations on accommodation for either system. Such limitations make it potentially possible that students will fall between the cracks or be denied access to programs that would be appropriate to them, depending on the definition of "program" and the way in which this particular section is carried out.

There is no limit on access at this point to public secondary schools in the province and we believe there should not be in future. We believe, similarly, there should be no limit on access to Roman Catholic secondary schools and urge the deletion of all these sections.

We believe the sections on fees should be deleted. Subsection 5—sorry, that is not fees; it refers to the written notice when a student is denied access. We think if you take care of the access question, you can take care of that one.

Subsection 6 refers to the exemption from religious education. We believe this section sets up two classes of non-Catholic students. One group could obtain an automatic exemption from religious instruction because there is some undefined program consideration for which they are enrolled in the separate school board or there are geographic considerations. The other group could be compelled to participate in religious instruction. We believe that is inconsistent and improper and would not pass the test of equal treatment under the law.

We believe the subsection should be reworded as we offer it here: "A Roman Catholic school board shall exempt from programs and courses of study in religious education any pupil making such a request or, if the pupil is a minor, any parent or other person who has lawful custody of the pupil making such a request."

We note here this whole section of the legislation presumes that the Roman Catholic separate school boards are being given the right to mandate requirements for a high school diploma in excess of the rights given to public school boards. At present, no public school board can add to the requirements of Ontario Schools, Intermediate and Senior Divisions for the granting of a diploma. It is 30 credits and a particular array of credits. This section assumes the government is granting to the separate school boards the ability to say to their pupils, "In order to receive a diploma from us you must take religious education courses."

There is a fundamental philosophical difference in granting that right to those boards. You are saying that one group of school boards in this province will be able to make additional demands on its pupils and the other board will have no comparable right. It means a fundamental difference in the relationship between the Minister of Education and those two sets of school boards. We urge you to look very closely at what the difference in those relationships might mean for the way we operate schools as we now understand them.

Subsection 9 refers to the planning and implementation commission having hearings on the question of exemptions where there is a question about them. If you followed our recommendation on the exemption being available to any student who so requested it, you would eliminate the need for a very cumbersome, quasi-administrative, nongovernmental process that we believe would muddy the waters.

Sections 136p, 136q and 136r continue to refer to the powers conferred upon the commission. We would like to see political responsibility accepted by the cabinet and the government and we would like to see a direct line of accountability to the government on these powers that are being conferred on the commission. Regulation, we believe, is a more appropriate way for these things to be handled. If the commission advises cabinet on that, that might be one thing, but there should be a clear political line of accountability.

Over to Mr. Bethune.

Mr. Bethune: The activities of the commission get broader as one goes through the act. At this point, I do not want to reiterate what I said at the beginning. I believe the creation of another quango is unnecessary. We already have the Education Relations Commission. We have a number of bodies and we believe the ministry is the appropriate place for this.

We do have some considerable concerns, however, that if the commission is going to be given these powers, there does not seem to be any enforcement power. That is why Ms. Baumann was making reference to the fact that the guidelines should be in regulation. So often in this province we have law but no relief. If you examine the Education Act, you will find there is no penalty section for the breach of 99 per cent of it. We have the same thing here: law but no relief.

4:10 p.m.

If I may continue to section 136u, we think this is an ignoring of some fairly standard and established rights—indeed, some statutory obligations—imposed on statutory bodies in the Statutory Powers Procedure Act, etc. We do not believe the trend in Ontario is to exclude the public from watching the business of its government.

In subsection 136v(2), the criteria seem to be somewhat ambiguous. We urge that in defining the powers of this commission, proper attention be paid to the existence of the parties to collective bargaining, school boards and teachers' federations.

In the section on property, we urge attention to the rights of employees. We are concerned that if there is no resolution, the matter goes before the commission for a final decision. We would prefer that there be someone a little less partial for the final decision. In educational bargaining, we have found that fact-finders generally do not make very good mediators.

Subsection 136x(4) limits the parties. I do not think this is necessarily an intended exclusion, but the employees will have some interest in these proceedings and should be named as parties or as interested persons at any rate.

On page 54, I apologize for a typographical error. It should read, "Subsection 16 would appear to deny due process." I suppose we will have to wait for the opinion of their lordships on that comment of ours.

In closing on this section and before I turn it back to the president, a great deal was made by the minister last week about protecting the viability of the secondary system. From a collective bargaining examination, I do not find in this section much protection of the viability of collective bargaining. I would urge the committee to look carefully at this in that light.

Mr. Albert: You will be happy to know we have no comments on the complementary amendment section of the legislation. Chapter 5 is a result of comments made by members of this committee who have suggested that in addition

you might report the amendments or suggestions regarding Bill 30, so we have provided some information for your consideration that you may want to use in any supplementary reports. Our general secretary will present this section.

Mr. Richardson: As my colleagues have gone through the brief, they have pointed out two major areas that would probably indicate the timing of this bill and the announcement of last June 12 are not very appropriate on two counts. First, there is going to be a significant funding requirement, and we have pointed out where we think that is going to occur. The second one that causes us great concern, and highlights the need at least for delay in the process, is the impact on the whole teaching profession and particularly our secondary school members.

We have pointed out the number of teachers who are going to be affected. What we want to show you in this section is the current case with our members as far as an ageing teaching population is concerned. Had the decision been made 10 years ago it would not have been as significant, but it was understood 10 years ago that we were going to be in a very serious redundancy situation in the secondary schools—in fact, elementary and secondary schools—to the point where the government itself felt it should appoint a commission to look at the whole problem and make recommendations on how to solve it.

It is our belief that if the government is going to go ahead with this legislation, there have to be very tangible new ways, through vacancy incentive plans, early-retirement incentives, to assist our ageing group of teachers to properly leave the profession gracefully and with pride, and probably somewhat earlier than they might have otherwise.

We will look at the two charts we have here, just to give you some examples of what is happening. We have used only three communities to show our point. The median age for secondary school teachers in the province now is 44 for males and 38 for females, and there are some areas, such as Etobicoke, Ottawa and Sudbury, where they are even above that. For instance, in Etobicoke, the male is 47.4 and the female is 42.7.

If you look at the second chart, there is another significant part of that. Of the secondary school teachers in Etobicoke, there are only 13 teachers who are 30 or younger, but of teachers who are 55 or older, there are 200, or 18.8 per cent. If we go back to some of the other arguments we were talking about, with the extension of separate

school funding the people affected are going to be those at the lower seniority level and, therefore, this is even going to exacerbate the whole situation, not only in these three areas but also in other areas of the province.

We are suggesting there are several ways the government can help in relieving some of this by early-incentive encouragement. I go to the middle of page 57. The Ontario government, in co-operation with the Ontario Teachers' Federation, should, through the use of the teachers' superannuation fund, make earlier retirement more attractive. Incentives are needed to provide more vacancies.

More than 5,000 of our members with 10 years of teaching will never be able to attain 35 years of service. This means these teachers, even at age 65, will not receive a full pension. This is, again, a deterrent. Just so you understand who these teachers are, primarily there would be technical teachers, business teachers, female teachers who have raised families and returned to the profession, and technical business people who came into the profession late and as a result will not be able to receive a full pension even at 65.

As we say, early retirement is certainly not a decision that is going to be made lightly by teachers. There are too many significant factors that go along with it. For instance, they get two per cent per year of service to a maximum of 30 years, or a 70 per cent pension on the best five years, even if all things were at best; therefore, they are not going to retire early unless there are some incentives to encourage that. On page 58, we are suggesting three areas.

1. Early-retirement incentive plans. We think the government could assist local school boards to provide funds for early-retirement plans. There are some in place now, but we think that with encouragement from the government as a result of this bill, there could be more and should be more.

4:20 p.m.

2. Reduction or elimination of the penalties for retiring before the 90 factor is reached. At the present time, if somebody retires before the 90 factor is reached, there is a five per cent penalty for each year under the 90 factor. This becomes very expensive and is a deterrent against retirement before that point is reached.

The teachers' superannuation fund could be utilized to facilitate the purchase of past services and related experience credits. There are several areas in which this could be done. Certainly there are many groups that are not reciprocal with the teachers' superannuation plan and these could be

looked at and considered as a way of paying for past work or teaching experience.

The restrictions on those with business and related work experience apply to those who have had a registered pension plan. The people who worked, self-employed or otherwise, and who did not have one, do not have that opportunity. Through consultation with the Ontario Teachers' Federation, we could discover numbers of opportunities to bring things into the superannuation act that would encourage early retirement.

To conclude, we will look at some comments in the late Dr. Jackson's report. It was 1977 or 1978 when the government of the day decided there should be a report on how to handle redundancies. Without even considering extension of separate school funding, these are some of the recommendations he made. The years would have to be amended, such as in the first one; the year 1986 could go through quite safely to the mid-1990s on some of these. There are considerations that would help relieve some of the serious problems we have now with an ageing teaching population.

I draw the list of Dr. Jackson's report in 1985 to your attention because they are things to which this committee should give serious consideration.

Mr. Albert: Mr. Chairman, you will be happy to know we are sprinting to the conclusion and the video.

Of course, the difficulty we had was in attempting to frame our presentation for you; to determine what to bring forward for consideration and what to leave out. Many aspects were omitted. We tried to be as concise as we possibly could.

I would point out to you, in the third paragraph on page 60 we support a proposal that was made to you yesterday, a provincial referendum. Whether members of this committee believe it or not, there are many people in the province who simply do not believe they are being represented on this issue and feel disenfranchised.

There are a bewildering number of actors involved. As an organization, OSSTF publicly responds to everything the government brings forward. We have looked at this particular issue and found—if you look at page 61—Bill 30 itself and the implications just on this issue extend to a wide number of actors. There is the planning and implementation commission and we have been before that group twice. We believe it is implementing policy rather than making recommendations to the government. We are not exactly sure that is correct.

The whole issue of constitutionality is going before the courts. Again, in my opening remarks I indicated that may be where the real decision is going to be made. A provincial commission is examining education funding. Another is studying the role of private schools in Ontario. Just on the constitutional question, there are certainly two "ifs" I would like to bring forward. I have shared them with the present Minister of Education. We are concerned that if it is not constitutional, we must be able to unwind what is being done. Again, I would hope that, as people have supported the Charter of Rights, we would not be invoking section 33, the "notwithstanding" section.

The other aspect is the courts may rule it is constitutional provided you are prepared to extend the same right and privilege to every denominational group in this province. Then again, I think the extension of funding to separate schools and all other private and denominational schools would fragment beyond all recognition the one, quality, public school system as we know it.

We would urge you not to continue to make ad hoc decisions about education. That is the difficulty we feel. This decision is part of a number of concurrent issues and concerns in the education community. It cannot simply be taken in isolation. We believe extending funding to one denomination legitimizes the right of other groups to come forward. That would have an even more severe impact on the public school system.

Since September 1983, long before former Premier Davis made his announcement in the Legislature, we have argued that we supported a unified secondary school board. It was not introduced as some gimmick to subvert the wishes of the Roman Catholic citizens in this province. It is something in which we believe.

We believe in structures that integrate and bring people together, and a school system in which people of all faiths, denominations, creeds and colours can come together and work, live and play. We wholeheartedly endorse the concept of unified school boards and our arguments are put forward in this document for you.

We have included—I believe it is appendix C—an open letter which, by means of a brochure, we wrote to our colleagues in the separate school system some time ago, inviting them to join with us in this vision of society in the province.

The point we have tried to make today has been statistical and analytic. We have talked about the impact on people. We represent many of those who will be affected. What we have tried

to in the next part of our presentation is bring some faces to the issue so you do not feel we are speaking in a vacuum or do not represent real people out there. We would like to share this video with you so you can have an appreciation of some of the concerns to which we may have referred, but perhaps you have not fully appreciated.

So if we can, whoever Mr. Video is here, we will proceed.

The committee viewed an audio-visual presentation at 4:28 p.m.

4:37 p.m.

Mr. Albert: The letter to Niki was not from some isolated, rural, backwater community. That letter, included as appendix D in our submission to this committee, was from the Metropolitan Separate School Board. We have had similar letters brought to our attention by students currently in the faculties.

It is not those defending public secondary education who view the world through the perspective of a time when religious difference divided our society. It is not they who would divide our children from each other until they reach adulthood, denying them the opportunity of learning and living together. It is not they who would divide our scarce financial resources and render the schools less able to provide all our children with the skills and the education necessary to promote the common good of all society.

You saw in our video a pile of letters. We have brought them to you. They are for the Premier (Mr. Peterson). Just as a statistic for you, there were only 20 people who responded in the negative in answer to that ad, although that may be the nature of clipout coupons.

I would like to take the time to express some other concerns. I will only highlight a couple of the concerns that were expressed. We had 5,000 replies within the first three days of the ad. Close to 150 added personal, often articulate, comments. Some sent money, asking that it be used for more information, for advertising or for a legal challenge.

The letters included one from a man from Richards Landing who sent \$5 despite a winter of unemployment. I will just read one paragraph from his letter, "Although not very much after a winter of unemployment, I have enclosed \$5 to be added to your legal fund for any current or future court challenges of this proposal."

I will read one other: "As grandparents, we believe religion has no place in the school system. Please do not destroy our public school system. We must begin to live as one people and

this can only be taught in schools through tolerance of others."

Referring to the last section of our brief, on page 62, we recognize there are diverse views and questions with which this committee will have to come to terms, to assure the people of Ontario no one will be adversely affected by the legislation. We again insist that all hiring, transfer, promotion and evaluation in publicly funded secondary schools must be on a non-discriminatory basis consistent with the Charter of Rights and Freedoms.

As we stated earlier, and I hope, Mr. Chairman, you could reply to this almost immediately upon our completion, we request an opportunity to return to the committee. We will not take as long but we would like to be able to present our concerns on any proposed amendments to Bill 30, if it is found to be constitutional and if the government proceeds with implementing it.

It is my understanding that the comment on the top of page 63 is not unprecedented, that in regard to drafting Bill 100, opportunity was provided to comment section by section, and we seek your answer on that particular request. We pledge we will continue to offer the full services of our organization to the planning of the best possible system of public secondary education in this province and we invite any comments or questions you may have of us now.

Thank you for your great patience.

Mr. Chairman: Thank you for an impeccable presentation. One typing error in that much information is really quite incredible and a great role model of full preparation for any students who may be watching.

It has been a great pleasure and I am sure it will be difficult trying to focus our comments as we ask questions in the next while.

I can give you a partial answer at this point on how we intend to proceed. We have not as yet dealt with the question of clause-by-clause consideration, only because it seems so distant at the moment, and sometimes ever so. However, we are trying to find a mechanism for allowing some of the larger groups to be able to present again or make further representations to us.

As a steering committee, we have not as yet discussed the best methodology for that. Some of the options could include clause-by-clause involvement. It could also include compiling the recommendations we have received from groups and sending that out to the various organizations to respond before we move to clause-by-clause comments, or some other variations. We are looking at a mechanism, and obviously, because

you directly represent many people who could be profoundly affected by this, you would be one of the groups we would try to afford that opportunity. We really have not worked it out yet.

I am not sure when that would be, either, which is the other thing that is becoming much less clear to us as we go along.

Because this is such a detailed brief, members of the committee could start from the beginning of the presentation and work through, or perhaps start with the legislation itself and refer back to some of the themes that were dealt with outside of the legislative packages as they do that. Many of them refer back to larger positions taken by the federation.

Here is a better suggestion. Why do we not deal with some of the general comments that came at the beginning of the presentation and then move to the clause-by-clause comments and go in that order? If there are remarks on the sections to page 24, I will take questions from the members, and from the minister as well if he would like to respond, of course.

Hon. Mr. Conway: I had one question relating to the affirmative action, equal opportunity programs on page 16. I think, Ms. Baumann, you raised those issues. There is a concern that there may be, in fact, uneven impacts on those who become redundant as a result of designation, which will occur particularly to younger or female teachers.

Given the experience you have developed in the course of normal redundancy, where I presume some of the same difficulties occur, and given the age and sex distribution indicated in some of your charts, can you share with me and with the committee the measures that might be acceptable to alleviate that or the experience you have developed in the normal course of redundancy to alleviate the impact upon younger teachers or upon female teachers?

Mr. Albert: Yes. You have to have a board that promotes affirmative action. If the commitment is made to affirmative action, a system develops whereby you retain supernumerary teachers above and beyond the contractual obligations of either pupil-teacher ratio or staffing arrangements.

Obviously, in a system that at this point deals with designated persons rather than placements, you might be able to save yourself some money by opening it up to the two-stage process and permitting more mixing and matching on a voluntary basis. In the long run, however, you are still going to come back to some concept by which, if these are worthwhile programs, and the

government is saying they are, you need to inject funds into the public school boards to retain that kind of mix and match.

As you can see from our figures, at present in Ontario there seems to be a concerted effort by public school boards to hire women. There are more younger members in OSSTF who are female than male, fully 56 per cent. Obviously, that is a conscious decision at the time of employment. To prevent their becoming unemployed you have to provide the funds to the school boards to retain these people and to give us a better proportion of males and females. I will ask Ruth if there is anything she might want to add to that.

Ms. Baumann: If we look at the general experience with declining enrolment, I think we have been very successful at buffering the effects of declining enrolment so far with a series of things.

Early-retirement incentive plans in some boards of education have been very effective at helping to keep a steady flow of people going in at the lower end of the age spectrum and enabling women to stay employed. We have also seen a steady decrease in the pupil-teacher ratio over the last 10 years, very gradual but steady none the less, which has helped, and a real increase in teachers taking leaves of absence, particularly teacher-funded leaves.

An example of that is what we most commonly refer to as the four-over-five program, in which a teacher funds his or her own sabbatical. In a number of boards, a fairly large number of teachers is taking advantage of that. They work for an 80 per cent salary for four years and in the fifth year they take sabbatical. It is essentially a forced savings plan.

The problem is that, at the moment, with the board-sponsored early-retirement incentives and the board- and teacher-sponsored leave plans, we have pretty much hit the limit of that kind of stretching. Changes in the Teachers' Superannuation Act that would assist in early retirement would have a profound effect, I think. Mr. Albert's comments about the need to keep supernumeraries, or to protect programs, would certainly have the effect of reducing the pupil-teacher ratio further, if that commitment were to be continued to preserve this kind of mix.

4:50 p.m.

Hon. Mr. Conway: I hear very clearly what you are saying on pages 16 and 17 of the brief about the potentially uneven impact of the completion of public funding for the separate school system upon younger and female teachers

in the public system. I presume, given the age and sex patterns you put before us at a later point in the presentation, that has been a problem. Younger teachers and female teachers have been under more pressure as a result of normal redundancy in the public panel. My final comment is partly a question again. If you have any particular examples of cases in which you feel boards and the federation have been able to work out particularly creative responses to that particular difficulty, I would be very interested in seeing them.

Mr. Albert: Again, with respect to what we tried to show you in chapter 5, the vacancy incentive plans, there is no doubt OSSTF has the oldest average age of any of the five teacher affiliates in the province. I do not know how you felt about those numbers, but when I looked at a place such as Etobicoke with 1,066 teachers, 200 of whom are 55 or older and only 13 are 30 or younger, to me that had quite a powerful impact.

We tell you we represent 36,000 people, and we do. Full-time equivalent teaching positions are probably in the range of 33,000 to 33,500, because many people have done some of the things Ms. Baumann has told you about. They have gone to part-time, taken leaves, or whatever. I do not know if there is much more flex in the system because of declining enrolment. We might have made it to the end of the century with just normal attrition and that decline.

I do not think the impact of both the OSIS guidelines and the extension of funding can be absorbed by any of the normal routes, other than giving public school boards even more money or relieving the pressure on the teaching body currently out there in Ontario by incentives to encourage people to leave, because we have people now, such as Mickey in our video, who are only coming into teaching through part-time, supply teaching, summer and night schools. That is all that is available. We try to integrate timetables, and we cannot do that. We have problems with Bill 100, getting recognition for those positions as part of teaching.

I do not know that there is really much more give left in the system. I think school boards and teachers have tried to address the problem. As Ms. Baumann indicated, pupil-teacher ratios have gradually declined over the years, but certainly we recognize boards cannot continue simply to keep looking at that without some incentives from the government.

Unfortunately, we know from our negotiating experience that many school boards now do not look favourably upon early-retirement incentive

plans, for instance, even though we can demonstrate that in the long term they save the board money. Again, I think we need some assistance above and beyond what is in Bill 30, and that is why we have presented you with a section on vacancy incentive plans.

Ms. Baumann: If I can add to something Mr. Albert mentioned, I would like to return to the question of night school and summer school. We alluded earlier in our presentation to the issue of continuing education, but if, for example, under the Teachers' Superannuation Act, the Teaching Profession Act or the Education Act, and under the grants system, night and summer school programs were regarded as having the same legitimacy as day school in every aspect, and those jobs were considered part and parcel of the total operation in such a way they could be considered part of full-time employment, we would quite quickly be able to expand the number of positions available to keep five tons of canaries flying in a four-ton truck, or however you want to describe it. That would be one major thing that could help, in addition to the sorts of things we have already done with limited early-retirement incentives, leave plans and minor reductions in the pupil-teacher ratio.

I think the two areas we would want to highlight most intensively are the questions of vacancy incentive plans on a provincial basis, and not leaving them up to the negotiations between local teachers and boards; and addressing the status of the present continuing education program.

Mr. D. S. Cooke: That has already been done in some boards. Has the Windsor board not integrated it in its contract with OSSTF?

Ms. Baumann: If I can respond specifically to Mr. Cooke's question, there is at this time a provision in a number of collective agreements that when a teacher is declared redundant a timetable can be completed with night school, but there is a substantial amount of employment that is still part-time at much lower than normal wages that is potentially accessible in this sort of situation.

Mr. Chairman: Mr. Jackson had a supplementary. It is obvious we have to deal with chapter 5 as well as the four preceding ones as we continue this discussion.

Mr. Jackson: Just on the early retirement incentive plan, I had occasion to help construct one of those plans in Halton and Mr. Bethune had something to do with that when we were together in arbitration. Do you know offhand if the

Etobicoke, Ottawa and Sudbury boards have early retirement plans?

Mr. Albert: All three do.

Mr. Jackson: All three do; and yet they are skewed that high in—

Mr. Bethune: They have not had them that long.

Mr. Jackson: They have not had them that long. Within this binder, is there information on those boards that have early retirement incentive plans or a breakdown of the incentive plans?

Mr. Albert: No, there is not, Mr. Jackson. Our statistical analysis indicates about 40 of the 79 public boards in the province have early retirement incentive plans in one form or another. They will vary of course, but we could give you that information if it would be of assistance to you.

Mr. Jackson: I would like to have that information if I am going into communities and this question arises. I would like to know which of the boards I am dealing with have the plan.

Mr. Albert: That is a fair question. We can do that.

May I make one comment about early retirement and the present penalty structures, just to put things in perspective. There is no penalty if you are 65 years of age or if age and experience equal 90, but for every year less than the 90 factor or under 65, there is a penalty of five per cent. So at 55 someone who has taught for 35 years, who began at the age of 20, can retire on a full pension. If you retire one year early, you are really being penalized 10 per cent because now you are 54 with 34 years, which adds up to 88, and you are two off the 90 factor. So the penalty structure is prohibitive to many people. That is just one of the problems.

When we refer to Jackson, if the government had done some of those buffer things in the interim Jackson had suggested, we might not be in as difficult a situation. Unfortunately none of those buffers were implemented then. Certainly if you are going to protect everyone and see that no one is adversely affected, the only way to build in flexibility is to relieve the pressure on the more experienced end of the teaching profession.

Mr. Chairman: Mr. Davis has a supplementary.

Mr. Davis: It has to do with their response and the minister's response to creative ideas. In the presentation there was discussion about the impact Bill 30 could have on the negotiating process, staff, classes and programs, which I

believe you stated was to remove the collective bargaining rights of teachers and trustees.

On the other hand, you have just asked the minister to incorporate a change in the Education Act to allow teachers access to night school and summer school on the same basis as day classes. You are aware, for example, that such a proposition has been put forth in the last few Metro negotiations and the trustees have turned it down. I would suggest you cannot have it both ways. You cannot have Bill 130 impinging on your collective agreement and say, "We do not want that," yet still want to incorporate certain safeguards which impinge on the collective agreements from a negotiating process on the trustee side.

Mr. Chairman: Would you like to respond to that?

5 p.m.

Mr. Albert: Yes, I would like to start on that. Again, on page 61, the top paragraph, we tried to show the difficulty in addressing the problems caused by extension of funding. It requires dealing not just with you, not just with the planning and implementation commission, but also with the Ontario Teachers' Federation in negotiating superannuation improvements, for example. There are a number of agencies and areas.

In regard to night school and summer school, it is no secret that a former Minister of Education once had a study done on whether Bill 100 needed amendments and Professor Matthews quite clearly specified—I think it was in recommendation 16—that it should be rationalized.

I respect the point Mr. Davis has made. The OSSTF has shown no hesitancy in attempting to organize these people. We believe a teacher is a teacher and he or she should be represented by some organization, should be included in a collective agreement. We have used all the means legally available to us to do that.

In rationalizing the various pieces of legislation, Bill 100, superannuation, Bill 30, the Education Act, I think that is another area that could simply be stated clearly. Whether it is a day school, a summer school or a night school teacher makes no difference. The season of employment or the time of day should not matter. When I worked at Inco on the night shift, I got a premium for doing that.

If you take the premise that a credit is a credit, then the way teachers have been defined has been illogical. That should be addressed in the various pieces of legislation. Ruth and Jim may want to add to that. I will go to Ruth first.

Ms. Baumann: My response to Mr. Davis is that collective bargaining occurs within the legislative context. At this point we have one decision from the Ontario Labour Relations Board which says there is no difference between night school and summer school credit instruction and day school instruction and they should be dealt with under the same negotiations. We may be quibbling about the correctness of that context as interpreted by the OLRB.

I think the process of collective bargaining and the overall legislative context in which it occurs are open to discussion. We can certainly argue that we want to protect our ability to bargain at the same time that we can ask for recognition of what we think are appropriate changes in that overall context.

Mr. Bethune: My answer to Mr. Davis is, why not? I do not have any problem pursuing any avenue I can to ensure the protection of our members. If I cannot get the employer to understand it as a priority and share my concern, I am going to go and ask government. If government will not do it, I will keep on asking until I can get it.

Mr. Davis: If I were you, I would do it too, but I was pointing out to the minister that there is a lot of concern on the part of trustees in this province about the kind of plan you suggest. I think you are quite correct that Bill 30 impacts upon the collective negotiating process. If it impacts, then you have to be prepared to take the whole impact. You cannot use legislation to get something you want; that is the point I was making.

Mr. Chairman: I will accept one final supplementary on this and then we are going to get back on the list.

Mr. Reyecraft: In regard to the matter of redundancy and its impact on specific groups, women and younger teachers, other groups have made suggestions to us about voluntary transfer, allowing teachers who were interested in or willing to transfer to the separate system to replace people on the designated list. I did not hear any reference to that in your presentation. Was its omission deliberate? Would you comment on that proposal?

Mr. Albert: Yes. Our comment on section 1361 was, if I can find it, on page 33. The third paragraph deals with what we perceive to be a two-stage process in designating positions and then persons.

If there has been one principal who has lost his or her job because we have closed the school and there is no longer the requirement for a principal,

a vice-principal, a series of department heads or whatever, you designate the positions not required, then you designate the persons. If you do that two-step process, the public board can seek a voluntary transfer from among their teaching staff.

If you stay with the designated persons, although there is no doubt that in a locally negotiated collective agreement you could build in flexibility, most likely because of declining enrolment, teachers are going to insist their existing rights of seniority will prevail.

In that case, there is going to be no one coming forward and people are simply going to say, "I have 10 years seniority," or "I have 12 years," whatever. "I am safe. It is too bad it is somebody else's difficulty." You do notice we indicate we hope this encourages the possibility of voluntary transfers as designated persons. Then it is quite clear you are seeking a principal who might be willing to cross over from a total number of principals, rather than one particular individual who may not be the individual who really wants to go. However, if he or she can only go to the Roman Catholic school board to retain a position he or she may go, or as Lynn Chisnall indicated in the video we presented, the teacher may simply decide: "No, thank you. I will take my chances with the public board."

We have tried to address it. I think that is the only way it can be addressed if you have that two-step process.

Mr. Timbrell: First, I want to congratulate Mr. Albert and his colleagues. This is far and away the most voluminous brief we have received. It is also far and away the best prepared. I do not agree with all the points, although you certainly struck a number of chords with me.

I understand you will be coming back at some point, so I will save most of my questions for then. In addition, of course, you have representation here every day, and over the course of time we can touch on a few things. There are two questions I want to ask.

During the election campaign, there was one particular argument you used that disturbed me, and it is here again and it still disturbs me. That is with respect to your projections of the numbers of students who, in a worst case, will shift, and your worst case projections of the numbers of teachers—and other staff presumably; in your brief you deal with teachers—who will be made redundant. It is the fact that these numbers are so at variance with those that have been provided to us by the commission and the ministry that caused me to ask how these numbers were developed. I

would assume they were not developed to make the point, that is that they did not come first.

Mr. Albert: If I could refer you to appendix E, which was our submission to the planning and implementation commission, pages 15 and 16 have part of the data you are seeking. At the bottom of page 15, just as an example, is information that we received from the Ontario English Catholic Teachers' Association, which projected how many teachers the expanded separate school system would require, and it is based on increased separate secondary student enrolment; that gives you a certain number. Again, the pupil-teacher ratio is different because they have a higher PTR than the public school system that generated the number of positions you see.

5:10 p.m.

If you look at the charts on page 16, we plotted the drop, based on last year's ministry figures, on the left, of the decline in enrolment. Again, we shared that updated material with you on pages 10 and 11 of our brief today. The post-June 12 projections are based on the separate secondary school retention factor, and there is no doubt the worst-case scenario was built on the premise everyone currently in grade 8 separate schools would move on to grade 9, and then the following year everyone who was in grade 7 would move on and so on. That would give you the worst-case scenario.

Those people are at present in the Roman Catholic school system. In a fully funded, expanded system, we can argue and have indicated that this scenario is only speculation. If you want to play with the numbers, you can argue that perhaps they will only retain 90 per cent or 80 per cent. Nobody really knows for certain, and we concede that. However, conceivably in the fullness of time, in five or 10 years, one could assume that in a fully funded system Roman Catholic students will stay with the separate system from junior kindergarten through to grade 12. So yes, it is lumped together, if you like, in five years, but those are students who are currently in our schools and can be tracked.

This is not intended as a slur on the planning and implementation commission, but I think the further we get down the road on the numbers the more we are walking on quicksand. That is in part why, in our brief, we have asked you, and other public organizations or school boards, that as accurate data and information as possible be provided to us.

I do not want to live and breathe totally on this. There were predictions made on declining enrolment with respect to its impact on the province,

and by and large there has been a decline. Teachers have fought and struck to get better pupil-teacher ratios, have working conditions addressed, bring in early retirement incentives and job sharing plans and a number of other factors which have alleviated the impact in part, but certainly I do not think anyone can deny it is going to be very serious. Whether it is 5,000 or 8,000, that is fine. I am not here to do a thesis on statistical analysis. We have tried simply to track students who are currently in school systems in this province.

Ms. Baumann: I think the important thing in what Mr. Albert has said is we have assumed the separate school system would have similar holding power in the secondary panel that it has from kindergarten to grade eight. If you look at the figures we have referred to on pages 15 and 16 of that brief, in appendix E, the figure of 11,700 teaching positions includes the projected general decline. The loss we have referred to in the brief today, in the order of 8,400 to 8,500 positions, would be at the end of the completion process, assuming the separate school system held the students who enter in elementary school.

Where we run into the differences now, looking at September 1985 and much smaller numbers than those figures would appear to generate, is there are a number of boards that have not been offering grades 9 and 10—that are simply starting with grade 9 or grades 9 and 10—and there are others moving to grade 11. Where students have moved to the public system in grade 9, even though the separate board offered grades 9 and 10, they are probably unlikely to move back now for grade 11. I think we will find through these first few years there will be some very peculiar ups and downs. What will be more interesting to see is what will happen to the students who are currently in grades 5, 6, 7 and 8, as they enter secondary school, when those bumps caused by the different programs offered by the boards at the moment are smoothed out.

One other thing of relevance at the moment, because this has happened so quickly, is that many of the separate boards have made it quite clear they are not able to offer a very extensive program for September 1985, and that also may have affected decisions.

Mr. Timbrell: The second question has to do with improved superannuation. Do you recall any calculations of the cost of Dr. Jackson's recommendations? You may have done some yourselves. Do you have any indication, since those would now be several years old, of what

current values would be? If you do not, perhaps the ministry officials do.

Mr. Richardson: We have some of those figures. I do not have them here, but we have had actuarial people look at the cost of that, and the government has also. I believe the Ontario Teachers' Federation government group that is looking at the Teachers' Superannuation Act would have some of those figures available as well, because they have had actuarial studies done, particularly on the aspect of reducing the penalty.

Mr. Timbrell: Going back to my days on the other side of the House, I have been told that the cost in year one of going to an 85 factor exceeds \$400 million. Was I informed correctly?

Mr. Richardson: On an actuarial basis you may be correct. I think as important as going to the 85 factor is reducing some of the penalties. At present there is a five per cent penalty per year. Some of our studies would indicate that by going to two and one half per cent possibly, the fund would still be quite viable with no real drain on it if that were to happen.

The 85 factor is certainly one of the things that may have an impact, but again you have to realize that for each year of teaching they get two per cent credit, so the 85 factor may not be as significant as some other things.

Mr. Timbrell: When you say it would not be a significant drain on the fund, are you suggesting it could be done without any additional capital being provided by the government or your members, on the present resources?

Mr. Richardson: The actuarial studies we have had done would indicate the fund could handle that without any additional cost to the government or the teachers. There may be some increased actuarial deficit requirement, which the government may or may not want to consider. Because of the state of the fund at this time and the amendments that were recently made, it is our actuarial opinion that we could reduce to two and one half per cent. It would cost the fund something, but the fund would still be in a positive income situation.

Mr. Timbrell: Dr. Podrebarac is nodding. Do you have any information on that?

Hon. Mr. Conway: Before either of the two gentlemen referred to speak, I have had some reason to question some of these matters. I have asked some of the officials to update some of the data, which in some cases is some years old now. I was especially interested to run some costs of reducing penalties along the lines you have

suggested. That material is not yet available, but it should not be too hard to come by in terms of additional days, and I would be happy to share as much of that as I could with the committee.

If you are contemplating specific requests, we can perhaps see if we can get that data as well.

Mr. Timbrell: I would just like to ask the minister or, through him the officials of the ministry, what the Jackson recommendations would cost, since they are alluded to in this report.

Dr. Podrebarac: If I can recall it, when the submission of the Commission on Declining School Enrolment was in and the costings were done, all of that is on file. We could get at that. It has been sitting for a number of years, so we could review and update. I think some of that is being done in keeping with what the minister said earlier about what some of the current costs would be against certain initiatives. So we could bring that.

Mr. Timbrell: Can you recall the ball-park figures?

Dr. Podrebarac: I cannot, Mr. Timbrell.

Mr. Chairman: It is a very large ball park we are dealing with, and I think we would be interested in seeing that in the next few days if that is possible. What sort of time level are you talking about?

Hon. Mr. Conway: We should be able to supply you with some of the data on some of these options in current dollar terms. Mr. Timbrell has this all-knowing look that makes me think he probably recalls some of the numbers. However, I will be happy to supply them at some early point.

Mr. Chairman: I think Mr. Albert has a comment he wants to make on this.

Mr. Albert: Just on this, I think Jackson had said if you went to the 85 factor, you were going to have to let it run for a while to really ascertain what the cost would be. I recall that.

I am not sure; you may be correct, and it may be \$400 million. I just hope it is not the same people who made the estimates about what the extension of funding would cost because it seems to me that actuaries are in the habit of making happy mistakes. As Mr. Richardson has pointed out to you, the truer cost, according to the teachers' actuaries, is in the neighbourhood of a penalty of two and a half to three per cent regarding an earlier retirement, and not five per cent, so that people who retire early now are being penalized unnecessarily.

5:20 p.m.

Another proposal we have long advocated—and you would think we would not have to tell the government this—is that there are ways to use that money more creatively within the laws of this country to permit diversification, so that the \$6 billion sitting there could be used more imaginatively for a higher yield, which could then be distributed among the people who have contributed to the fund for a good number of years.

There are certainly alternatives to sticking the taxpayer with \$400 million, or whatever the amount is, simply to alleviate the problem of public secondary school teachers.

Mr. Sterling: Mr. Albert, I would like to ask some questions concerning your page 1, the constitutionality of this piece of legislation, and also regarding your recommendation on page 2. I am not certain what that recommendation says. Does it say to the committee that it should not ever report this piece of legislation back to the Legislature, or does it suggest postponing reporting back until the courts have had an opportunity to rule on the constitutionality of this legislation?

Mr. Albert: Thank you; that is a good question. As you know, our organization has argued consistently that the government should ascertain what the law permits. We have gone through those arguments before the committee today and in essence we say it has several options with regard to reporting the bill. Our suggestion is that you certainly not report until the constitutional issue has been resolved.

I am going to digress more than perhaps I should and reveal a certain amount of cynicism, but I believe the question of whether funds should be extended will be considered neither by this committee nor by the government. The courts—again, I tried to make this comment in my overview—will probably deal with whether funding should be extended and not in regard to how best to proceed with it.

I appreciate that the new Liberal government is referring the question to the courts. That expedites the issue. We will continue to use the courts, as any group or individual in this province can, to be sure the implementation of this legislation is done legally and with that kind of authority.

Certainly we would argue that we should ascertain what the law permits before changing, by order in council, a regulation to advance money or before reporting this bill to the House. If the courts deem it is constitutional, then as law-abiding people—I have often said teachers are the distilled essence of the middle class and

inculcate values and recognize and respect law—that would be a quite different matter. But at this point we feel the legal issue has been sidestepped in many ways by the House and perhaps by this committee since we do not have the answers to the legal implications of the extension of funding at this point.

Mr. Sterling: I have difficulty with the fact that the court hearing and the hearings of this committee of the Legislature are going on at the same time. I do not yet know what the Court of Appeal is going to be dealing with if this committee agrees with some of your suggestions and decides to change this bill. Is it going to be dealing with what this committee says or with Bill 30 as it was introduced in the House? Therefore, we have a farce in terms of the process.

I congratulate the government on referring it to the court, but I would have preferred that this committee dealt with the bill and decided on whatever discriminatory provisions it wanted to place in the bill and then went to the court. Then we would have to live or die by whatever the court said about those provisions. I do not think we can have it both ways.

I suspect the court may, of its own volition, say it will not consider it, but that will be for the Court of Appeal to decide. I do not know how this committee can have any real meaning at all if the Court of Appeal is considering another document. There are going to be some constraints put on each member of this committee in changing any one section of this bill, because the court is dealing with something else.

I do not know what the Court of Appeal is going to deal with. Is it going to be dealing with imagination, or is it going to be dealing with a day-to-day report from this committee on what it is considering on the next section? I do not know what the decision is going to mean.

Mr. Chairman: I am not sure whether Mr. Albert can answer that.

Mr. Sterling: At any rate, I think it is a matter that should be considered by the committee and by the government in terms of whether to postpone the reference to the Court of Appeal until after third reading has been given to the bill, but before proclamation.

When you say on page 3 of your brief that this is flawed because it would violate equality provisions of the Canadian Charter of Rights and Freedoms with respect to discrimination, are you saying the bill is unconstitutional?

Mr. Albert: We believe aspects of the legislation are unconstitutional and we are certainly

prepared to argue that point of view in the courts when it is appropriate.

I would like to respond to the first part of your comments. We agree with you. When we reflect upon how the francophone representation on school boards was dealt with, the court sent it back. It is possible the courts will simply refuse to deal with this piece of legislation. I do not know.

I respect what both the minister and the Attorney General (Mr. Scott) might believe on this issue, that by framing the question and going to the courts one can proceed to dabble in word changes in subsection 136(19) or whatever.

I do take your point. I think the people of Ontario want to know what the law and the Constitution permit. There has been a lot of speculation from members of this committee and certainly from our organization. I have heard it and so have you. We have no hesitancy in quoting J. J. Robinette; and people hurl one lawyer after another back and forth at each other.

I am not here to say we are right or the government is right. Obviously, the government is at least concerned enough that it may not be right that it is going to the highest court in the province and probably eventually the highest court in the land. If we do not jump the gun on everything else, as a representative of our organization and the public secondary schools I am satisfied this government is taking the high road on whether to implement funding to the Roman Catholic separate secondary schools.

Mr. Sterling: You say the bill is unconstitutional. I assume you do not include the use of section 33, opting out, in saying that.

5:30 p.m.

Mr. Albert: You will appreciate that politicians are very difficult to nail down. We nailed down questions 8, 9 and 10 for you in our pre-election report card flyer. We asked all the leaders, and we have asked many of the politicians in this room, whether they were prepared to use section 33, the notwithstanding section.

Unfortunately, we were nailing jelly to the wall in getting answers that were of any value to us in planning a course of action. I understand that provision is there. In my comments I have tried to indicate that I believe all three parties in this room supported both the Ontario Human Rights Code and the Charter of Rights and Freedoms, and that if I were a politician, I would not want to proceed by an amendment through section 33 every five years in having to extend funding, which is clearly unconstitutional. Again, that would be up to the 125 people who

sit in the House and not me. I am sure no one is asking my advice on that.

Mr. Sterling: The key to my question is that I am suspicious of the playing with the word "constitutional." You obviously do not include, nor do I think the common man or anybody else would include within the word in designating this piece of legislation as constitutional, the use of the opting-out section.

I would ask the Minister of Education whether or not he includes section 33 of the Constitution in saying this piece of legislation is constitutional.

Hon. Mr. Conway: I certainly take my advice on these matters from my colleague the Attorney General, and I would want to discuss with him the particulars of your question. As my friend from Manotick knows, unlike the member for Carleton-Grenville (Mr. Sterling), I am not a member in good standing at the Law Society of Upper Canada, but I have discussed these matters with the Attorney General. If you want me to canvass his view of your question, I will be happy to do so.

Mr. Sterling: If the Court of Appeal is going to consider the question, I do not know whether your federation has considered whether or not the question that has been placed with the Court of Appeal is the right question, and that is the key to this matter.

If you read the legislative debates on Bill 30, you will find that several people in this Legislature believed there was a legal right to funding. There were a number of people who believed there was a historical or moral right to funding. There were several people in the Legislature who wanted to vote for this because they believed in funding of independent and private schools and this was a route towards that end.

I asked the previous Minister of Education whether or not the Ontario government had an obligation to fund to the end of high school and I did not receive an answer. I received the same answer this minister gave when he introduced Bill 30, that this bill was constitutional. I suspect in that bag is the use of the opting-out provision, section 33. I do not know that, but no one, including our Attorney General, has offered an opinion to say there is a real, constitutional, legal obligation to fund high school to the end for separate schools.

That question is key in terms of my support for this bill, or my rejection. I rejected it on second reading because I did not have an answer to that question. The only opinion that really counts is that of the Supreme Court of Canada. At any rate,

once we go over that constitutional line of responsibility, I cannot say no to the other groups.

Hon. Mr. Conway: I have been thinking a little about what the member said and I just want to draw him out a bit more. Are you saying it is in the minds of some that this initiative is constitutional only because of the availability of section 33, the override provision of the charter? Is that what you are hinting at? It is certainly the view of the government that this initiative, the completion of the funding of the last grades in the Roman Catholic school system, is constitutional without any reference to the override.

Mr. Sterling: To section 33?

Hon. Mr. Conway: That is correct. We believe this is a constitutionally valid thing to do without any reference to section 33 of the Charter of Rights and Freedoms.

Mr. Sterling: That was not the case in 1928 and it was not the case in 1971 when Premier Davis made the statement in the Legislature. In his statement in August, he said there was a real, constitutional, legal obligation. Therefore, there has been a change in the opinion of government lawyers since 1971 on this issue.

Hon. Mr. Conway: I can refer you to the judgement of the Chief Justice of the Supreme Court of Canada, Mr. Justice Anglin, in 1928, in the Tiny township case. That was a very strong case for public funding of the secondary panel in the separate system. It was a minority opinion but it is a pretty strong case.

Interjections.

Hon. Mr. Conway: I indicate it is a strong case simply because I always respect the view of the Chief Justice. In that case, it was the view of the Chief Justice.

Mr. Chairman: I would like to get control of the meeting again, if I may, and not have a two-way conversation. Mr. Fulton had his hand up a second ago. Would you like to go first, Mr. Albert?

Mr. Albert: I suppose this is supplementary to Mr. Sterling's question. Our counsel has advised me this may be appropriate. Since Bill 30 does not address the "notwithstanding" provision in section 33, there is no intention to use the "notwithstanding" provision. It is not part of the legislation. It is one of those legal arguments that is probably going to make lawyers rich. The minister might want to respond to that. Since we do not see it in Bill 30, it is not the intention to implement the extension of funding through the section 33 provision.

Hon. Mr. Conway: It is certainly not my intention; I want to be clear about that. The government operates on the basis of very good constitutional advice. You refer in your brief to one of my constitutional advisers. I am happy to see we agree on the qualifications of the learned gentleman.

In our view the initiative is constitutionally valid without any reference to the override. However, these are lawyers' arguments and I expect all sides will be represented by very good lawyers in the courts in the near future to determine it once and for all.

Mr. Sterling: Mr. Albert, the reason I did not ask that question is because I asked the Premier that question in the House not more than three or four weeks ago and he did not give me the same assurances as the Minister of Education. I am glad to see they have changed their minds and will not use section 33 to opt out of this legislation, should the court find against them that it is unconstitutional.

Mr. Chairman: I suggest you did not raise that question with the minister; you may choose to do so in a minute.

Mr. Fulton: One attractive argument might well be that the Tiny township case indicated the government could provide separate school funding at the secondary level but did not have to. Then the argument will come that the Charter of Rights and Freedoms now has intervened and precluded the government from exercising the option that was open to it from 1928 until about three years ago.

If the committee feels strongly about section 33, the "notwithstanding" provision, it could put in the bill that section 33 should not be used, it could have a resolution that it not be used or it could have a resolution of the House. It might not have much force, but if people feel so strongly about constitutional rights and the equality provisions, that is an option open on a political basis to the members of the Legislature.

Mr. Chairman: Those are questions of procedures. Can I move on with the list so we can keep going? I am mindful that we have been more than three hours already. I have had a washroom break, but no one else has had one as yet.

Mr. Allen: Going from some of the last constitutional comments and speculations, if you ask a politician to speculate about a hypothetical possibility, I suppose somewhere down the road you are going to get jelly. If you try to nail it to the wall, it is at your own hazard. Obviously, we

are not going to engage in many of those speculations.

Quite clearly, section 33 was written in not to undermine all the foregoing but to provide a way for coping with circumstances where real justice in real situations might not be accomplished by other means under the terms of the charter. I think it would be used only accordingly and it was, therefore, put in there with considerable qualification so it would not be used lightly. I cannot imagine any government wanting to use it under most circumstances. That is enough on that.

5:40 p.m.

It is a superb brief and is extremely helpful to us in the exercise we are going through. It has the kind of detailed reaction we are going to need when we sit down to the clause-by-clause consideration. I hope you will be back to work with us in that process in some fashion.

With regard to the broader content of the brief, I want to comment in passing that I think striking the polarity between a sectarian vision of society and a secular, multicultural mosaic, which Ontario has become in the latter part of the 20th century, may suggest the tendencies that exist within two different public systems in Ontario. It does not, however, describe the overall character of Ontario public education, which has tried to be different from the other American model, which is essentially the secular majoritarian system which is laid on the whole community as the only public option.

What we have tried to do in Ontario is to provide a rather varied, more sensitive response to major minority concerns in education, as in other respects. That is what we are all wrestling with. The issue in Bill 30 is not essentially that one has to approach it from either of those two visions, but from the larger one of what public education has been historically in Ontario and what it can become.

I do not want to get into all that. That is obviously a major discussion.

Mr. Chairman: I will ask you, if you could, to ask questions of clarification only because we have two other members who want to participate.

Mr. Allen: My first question is with regard to the numbers we were talking about, gross numbers of students and teacher losses. Does that include the presumption of the continuation of grade 13? Do those figures include the students in grade 13? Or do the teacher losses include those that would be entailed with the cancellation of grade 13?

Mr. Albert: It is a good question. The OSIS curriculum guidelines, the grade 12 Ontario academic course and grade 13 coincide in this time frame. With the statistical analysis we did on OSIS and presented to you through Mr. Eaton, we were also able to ask our headmasters and principals across the province what their perception was of the fast-tracking percentage, which will add to that number. Our statistics do not include accelerated exodus from the public schools because of a shorter stay in the schools.

We have a percentage figure Mr. Eaton can share with the committee to assist you in pondering the true loss of teachers.

Mr. Eaton: Let me assure you, with the ministry officials here, these are soft figures. There is no way to look ahead and get data like that. We asked the principals of the province to respond in the general area of what was happening in the fast-tracking, and the general response was about 16 per cent. Mr. Green and I have shared some figures and that would be our guesstimate. I wish the committee to know those are very soft figures. We will not be able to zero those down. That is the best guess by the people in the area.

Mr. Albert: That is 16 per cent above the figures we have already presented to you in terms of decline.

Mr. Allen: Can you tell us, from your perspective, if the information the planning and implementation commission has given us is correct, that there have been no teacher losses with respect to employment to date this year?

Mr. Albert: We do not know. It will take until September to ascertain whether that is a reality in Ontario. I would like to be able to say unequivocally the legislative guarantee, subsection 136(8), protects everyone and no one has lost his or her job either as a teacher or an employee in a nonteaching position, but I do not feel secure in saying that has happened.

Mr. Eaton: I would like to add that in the information we gave you on OSIS, in the figures we received from the principals' group looking at September option sheets there is a big hole that we cannot explain, or rather we would explain it as people who are designated and are likely to go to separate schools. That would be our explanation, but it might not be yours. We cannot account for nine per cent or so, which involves some 11,000 students. We have to be concerned about how that is going to impact. We do not know at this point how it will impact.

Ms. Baumann: To add to what David and Rod have said, there are two problems. One is the lack of an official definition of who is or who is not displaced. We have some boards that are not talking to other boards, Metro most notably, and it is going to be very difficult to know how that shakes down until we see what happens with all the interboard placements of teachers in the public system in Metro.

The other problem is what David mentioned. We are not sure how much of that hole we found is attributable to students who have said they are going to the separate system and how much that is reflected in the data the commission has.

Mr. Allen: With respect to the superannuation question, I am not quite sure what exactly the minister promised about providing options. I wonder if, from your side, you could take your best estimate of the number of persons who are apt to find themselves on designated lists and will not be taken up by the other system. I agree that is a pretty hairy thing to try to speculate about, but you might try two or three ball-park figure options for us. Could you provide us with the cost of moving into an early retirement proposal we could carry forward that would be within the bounds of reason?

At the first meeting of this committee, I tabled a request that it consider other matters relating to this whole issue that cannot be dealt with under Bill 30. I wonder if there is some way you could give us some of the options and costs as you can best calculate them.

Mr. Richardson: There is an easy answer and a difficult answer to that.

Mr. Allen: I am not asking for a complete answer now. If you can do it in writing for us, it would be helpful.

Mr. Richardson: The easy part is if we want to take the teacher figure, the worst-case scenario, and use that as the number we have to deal with and try to accommodate in some way, we can work with that figure. Another aspect we have to look at is the Etobicoke situation. If we can have voluntary transfers—and I come back to that as another solution in the whole process because of the better superannuation situation—and use those numbers, we are starting to solve a couple of problems.

As to the costing, I guess we can do it if it is an actuarial study. We do have some figures, and I am sure the government and the Ontario Teachers' Federation have calculations already. The government may be able to give you fairly accurate figures, but we do have some and we

will be pleased to send them to you in the mail if they relate to your question.

Mr. Chairman: Or perhaps through the OTF or however you would like. That would be fine in co-operation with the ministry.

Mr. Albert: Page 12 of our brief addressed the same problem Mr. Allen has brought to our attention. Those figures are probably available to the planning and implementation commission and the impact studies they have. I do not know how far they have asked the Roman Catholic school boards to project into the future. If you insist that the planning and implementation commission provide those data, it would be very easy to go forward with some detail to give you the information you are seeking.

Mr. Chairman: Can I limit you to one more question? We are going to adjourn at 6 p.m., and I have two other people.

5:50 p.m.

Mr. Allen: I have a couple of very quick questions. Have you worked out any costs in terms of implementation of the concept of unified school boards? We are talking on the one about what the Bill 30 extension would cost. While one contemplates that and wonders what one is getting for one's dollar, are there any projected costs of what it would mean to move into unified boards that would end up taking in the separate high school component and where we would be on costs down the road on that option? That is where we are into the realistic comparison. I know that may be difficult to work out, but have you yourselves done any costing on it?

Mr. Albert: We have tried to support and present a model of the unification or integration without getting into specific detail, because we have not wanted to come in with the model of consolidated or unified school boards. Again, because of the British North America Act and the Constitution, we believe you can talk only about unified secondary school boards.

Maybe this is the reverse side of the coin. You can argue that you will not have the duplication of administration, provision of facilities and transportation, although I heard the member for Middlesex (Mr. Reyecraft) indicate the other day that bus routes perhaps do not always coincide anyway. In many of these single-secondary-school communities, which both ministry figures and our figures have confirmed exist out there, it seems more rational to work within one structure than to duplicate the cost of administration, transportation facilities, programs and so on.

Although I cannot say this is what it will cost you to go to unified school boards, I will say that going to unified school boards will be significantly less expensive than a duplication of parallel systems across the province.

Mr. Allen: With respect to the designated-positions list, there seems to be a fairly broad consensus that we are moving towards the notion of a designated position. I got a sense from our querying of the Metropolitan Separate School Board and the Ontario Separate School Trustees' Association that they appear to be quite happy with that concept. That may very well be on stream. But I have heard you state some reservations about the province-wide list.

If I could ask you again, what were those reservations and are those objections met by the apparent willingness and readiness of those two bodies, as examples of Catholic boards, to treat hiring from any designated list from anywhere across the province by any separate school board as being designated, protected positions? Was that your essential problem with the province-wide list? Does that meet the problem?

Mr. Bethune: We felt this list had no destination; it was not going anywhere. Our contention was that if designation were made portable, we would not have any problem with the list; but if designation were contiguous or coterminous, or whatever, this list would have no destination as far as we are concerned.

Mr. Allen: Mr. Chairman, perhaps at some point we could think of bringing the Education Relations Commission and representatives of the Ontario Labour Relations Board before us to deal with this whole question, which has been properly raised, of the relationship between the provisions of the bill for dispute resolution. That would be an excellent thing for us to do, and I would like us to do that.

Mr. Chairman: The clerk is on it already.

Mr. D. W. Smith: My question is a little along the line of Mr. Allen's. You made this presentation to the planning and implementation commission. I wonder if you could give a few brief comments on what they said to you about a unified secondary school board. I know you have made some comments, but were there comments from the commission itself?

Mr. Albert: That is a good question. I think the planning and implementation commission felt it was specifically beyond its mandate. However, the Macdonald commission looking at financing of education probably was the commission that was more favourably disposed to

looking at consolidated or unified school boards because of the saving that would result from the lack of duplication of facilities and resources. Ruth may want to add to that.

Ms. Baumann: The Macdonald commission on the financing of elementary and secondary education did not give us a specific response on the unified school board per se. However, when we asked them if they would consider governance of schools as well as financing—we felt the two were inseparable and we advocated the unified school board—they made it very clear they had concluded that indeed they would have to look at governance as well as financing. We were optimistic about that because it meant at least they were going to give very careful consideration to the notions we had put forward.

It is not simply a question of duplication of service; it is a question of perhaps further consolidating and rationalizing the general operation in a way that might meet all the concerns.

Mr. D. W. Smith: Thank you. I thought I would keep my question short.

Mr. Chairman: And it is appreciated. I hope it does not just come with rookiedom and that they will get longer later on. Mine were short when I started off.

Mr. Davis: I would like some comment from you on the volunteer transfer system you are proposing and on two scenarios we have had placed before us in the last two days.

One scenario comes from the separate school trustees of Metropolitan Toronto who say in effect they would like the positions declared that are surplus to the public education system because of the transferred funds and then to solicit volunteers. Once the volunteers come forth, they would like to interview them and select some from that number, which I assume would be anywhere from zero up to the prescribed list, to move into their system.

The Ontario Separate Schools Trustees' Federation says it would like to solicit volunteers. If there were 15 positions declared on the list and they got the 15, they would immediately move to that list and in both cases would receive the protection of Bill 30. If they got 14, they would take 14.

Would you comment on those two scenarios?

Mr. Albert: I prefer the second scenario. The first scenario sounds like a cherry-picking operation and is probably not an appropriate route.

Mr. Davis: I have a supplementary question, which you can either comment on now or take under advisement and come back to this commit-

tee. If there are more volunteers on the transfer list than there are positions, who decides which of the volunteers go? That can be an important question for this committee. That new volunteer thrust seems to be gaining support. I want to make sure both systems are protected. How would you do that?

Mr. Albert: We may want to think further on this. I will give you my immediate response. We want to respect the individual choice. In that scenario—we will go back to your number of 15—if 20 people came forward and 15 were deemed to be designated, does the cherry-picking operation reside with the Roman Catholic board, or is the designation to be worked out strictly between the public board and the teachers' federations and so on?

As the president of OSSTF, I would rather keep it within the panel where the teacher who is up for grabs is going to have the full protection of his or her protective organization. I would argue that it should be kept within the jurisdiction of both the public board and the appropriate teachers' federation. At the same time, because of the growth in the Roman Catholic separate school board, in many cases 15 may be designated but 20 could be called.

That would be a sign of good faith. If all those individuals wished to go over and the Roman Catholic board were happy with them and followed Mr. Davis's second scenario, that all those who come will be accepted, then if that is what the individual teachers want and the Roman Catholic board is prepared to employ them, the basic criterion of fairness to the individuals would be met.

Ms. Baumann: The principle about which we would be most concerned, which would arise if there were a larger number of volunteers than there were positions, would be that it should not become a way of circumventing what we understand the commitment about discrimination to be. If there were more volunteers than there were positions, we would oppose any attempt by the separate school board to use pastoral references or religion as a criterion for selecting among volunteers.

Mr. Davis: I have a quick supplementary, Mr. Chairman; I can ask the other question at some other point. My supplementary concerns the briefs that have come from separate school organizations. I will use the one from the Ontario Separate School Trustees' Association as an example. They say the volunteer transfer provision "would enable the public secondary system

to retain on staff young, vibrant people," and then they go on to spell out their concerns.

With respect to the surplus and the mismatch we now face because of declining enrolment, such a volunteer system does not help the public educational system deal with the problem of surplus teachers. Do you feel that you will find such a process will allow you to retain the young, vibrant people on staff?

Mr. Albert: I do not know. That is the most honest answer I can give you.

Mr. Davis: Perhaps at some time in the future, could you try to answer that for us?

Mr. Albert: The difficulty, which our video showed, is that some people who are offered employment in the other system simply will not want to accept employment in that system, whether or not it means they will be unemployed. Voluntary acceptance of going into a Roman Catholic school board is going to be a component even of the people who are designated and perhaps, one would think, have no choice.

Ms. Baumann: What is clear is that if there is no encouragement to transfer voluntarily, you will definitely have the removal of the youngest people.

Mr. Davis: I understand that.

Hon. Mr. Conway: I want to add one thing before the group leaves. I am sorry my friend Mr. Sterling has left, because he raised the question which I know is of interest to the group and others, and that is the issue of the Charter of Rights override.

I just want to make it very clear that from the point of view of the government, it is not our intention to invoke section 33 simply on the basis that we feel very strongly and very confidently that our constitutional case is a good and strong one. I would not want Mr. Sterling or anyone from OSSTF to be under any wrong impression about that. We have not contemplated that because we feel our case is constitutionally good and will be seen as such.

Mr. Fulton: I have a final question. Could we ask the minister, if the constitutional decision should go against the government, will he have those same strong words?

Mr. Allen: You are going for jelly.

Mr. Chairman: I think he got your nail out and the jelly is starting to quiver.

Hon. Mr. Conway: I just want to tell my friend Mr. Fulton that we have not considered it because we have very good constitutional advice which tells us our case is strong and very good.

We expect the courts will agree with that position.

Mr. Albert: And it will only cost \$40 million in the first year or two.

Hon. Mr. Conway: Those figures, I want to tell you, were not mine.

Mr. Chairman: In thanking you very much for your attendance, I want to refer to one matter raised by Mr. Sterling which probably would have more appropriately been asked of myself or the minister; it was about the role of this committee and the constitutional challenge.

The government in its wisdom has decided to hold third reading until the decision is made, presuming there might be a requirement of a specific amendment at that point from the Supreme Court of Ontario, the Court of Appeal or whatever.

Our job, what we are mandated to do, is to look at the legislation and find ways, from a legislative perspective, of improving it. That is not what the courts will be dealing with. They will be dealing with Bill 30, which has been approved on second reading. They will not be dealing with any proposed amendments, which still would have to undergo third reading and be accepted at that point.

Our deliberations in that sense are not affecting the courts, although we may have to reconsider some suggestions as a result of the court decision; that is essentially where we are in the squeeze.

Mr. Albert: I understood that. I will also take to heart the invitation to return. I will accept it as a lukewarm invitation from a couple of the members of this committee and hope we can formalize that. As you go further down the road and look at amendments—the voluntary aspect

and so on—and new wrinkles in the legislation which today are just totally unavailable to us to comment on, we would appreciate the opportunity to return because of the impact on our membership.

Mr. Chairman: Please do not think it was lukewarm. I feel all members are anxious to try to find a way of seeing you again.

Mr. Jackson: I did not get to ask questions.

Mr. Chairman: Yes; for instance, Mr. Jackson was not able to ask his questions. We have just spent three and a half hours and have not touched on a lot of the things in this very deep and detailed brief. We are going to have to find a good means of getting into a very long discussion again on things that come from this that we were not able to touch on, and other things we learn as we talk to other groups. We will look forward to seeing you again, whether or not it is as detailed a presentation.

I commend you again for the professionalism with which this was put together and for your stamina. I appreciated your forthright presentation to the committee.

Committee members should know one piece of news. We shall be going to Thunder Bay and Sudbury. We have now received enough offers in Thunder Bay to make sure we are going to be busy. We are going to Sault Ste. Marie the week of September 16 and, the way things are looking at this point, we may have a second day there.

Mr. Jackson: A second day?

Mr. Chairman: In Sault Ste. Marie.

If there is no other business, I will declare the meeting adjourned. We shall meet again, friends, at 10 o'clock tomorrow morning.

The committee adjourned at 6:07 p.m.

CONTENTS**Wednesday, July 24, 1985**

| | |
|--|--------------|
| Education Amendment Act, Bill 30, Mr. Conway, adjourned | S-295 |
| Adjournment | S-333 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Conway, Hon. S. G., Minister of Education (Renfrew North L)
Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
Davis, W. C. (Scarborough Centre PC)
Jackson, C. (Burlington South PC)
Johnston, R. F., Chairman (Scarborough West NDP)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Sterling, N. W. (Carleton-Grenville PC)
Timbrell, D. R. (Don Mills PC)

From the Ministry of Education:

Green, D., Assistant Deputy Minister, Education Programs Division
Podrebarac, Dr. G. R., Deputy Minister

From the Ontario Secondary School Teachers' Federation:

Albert, R., President
Baumann, R., Vice-President
Bethune, J., Executive Assistant
Eaton, D., Executive Assistant
Richardson, L. M., General Secretary
Shanoff, D. L., Private Citizen




No. S-13

Hansard

Official Report of Debates

Legislative Assembly of Ontario

A red circular library stamp is located to the right of the title. It contains the word "LIBRARY" at the top and "100-100" in the center.

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament

Thursday, July 25, 1985

Morning Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, July 25, 1985

The committee met at 10:01 a.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I will call the meeting to order. We do have a quorum. My intention is to start promptly and not hold up presenters who are expecting to be here relatively on time. We have a long list of delegations again today.

First, from Scarborough, is the Leacock Parents' Association of Stephen Leacock Collegiate. Would you come up and take your place and make yourself comfortable? I know at least two of you have been around monitoring us the last few days to see how all this operates, so you know how we proceed. Perhaps Mrs. Eadie could introduce the members of the delegation and lead us through your submission, which members will note is 51. It has been distributed.

LEACOCK PARENTS' ASSOCIATION STEPHEN LEACOCK COLLEGIATE INSTITUTE

Mrs. Eadie: Before we present our brief, I want to introduce myself and my colleagues and describe the group we represent today. My name is Cecile Eadie. Sitting on my left is my colleague Gwen Harvey. On my immediate right is Lai Chu and on my far right is Georgie Johnson.

We are here today representing the Leacock Parents' Association. Our association is an active parents' group working within a very large public secondary school and is open to all parents and guardians of Leacock students. We are presenting a brief today in defence of the public school system. I have been asked to read this brief. I would like to do that now, with your permission.

The Leacock Parents' Association is pleased and honoured to have the opportunity to bring to this committee a written submission of our concerns. We speak on behalf of parents and students whose rights might otherwise be overlooked.

The Leacock Parents' Association is opposed to the extension of public funding to separate schools. It is our opinion that the extension of public funding to a particularly selected group,

chosen for its religious beliefs, is discriminatory to every other religious and educational group in the province. Furthermore, we feel the use of taxpayers' money for the purpose of teaching religion and for preserving the aforementioned group's separateness from the rest of society is fundamentally wrong.

We understand why the separate schools want this funding and why, historically, as the large minority group in a bicultural country, they were given preferred treatment; but at the same time we must defend our own rights.

In this year of 1985, as proud citizens of the cultural mosaic that is present-day Ontario, we must demand equal rights for every large minority, in truth for every citizen in the province. The multicultural setting of the public schools allows students of many different religions to work and play together, to learn to accept and respect each other's beliefs. This is the lifestyle of the world we live in. Young people must learn to cope with society as it is. To promote further separateness, to finance the education of an elite group at the expense of the majority cannot be advantageous for any of us.

With this in mind, there are five principles that provide the basis for the community of opinion embodied in this brief. Some of these principles are not unlike those cited by the Minister of Education (Mr. Conway) in his address to the Legislature on July 4, 1985.

The first principle is the need to protect the viability of the public secondary school system. We demand a quality education for young people who will compete in the modern world. They need to learn basic fundamentals, they need access to the latest technology, they need an understanding of tradition and history and they need encouragement to reach into the future with their imaginations.

Can the public school system, with funds cut and students scattered, hold on to enough basic programs to fill these needs; or will more and more dissatisfied parents turn to private schools and finally demand public funding for their choice of alternative education? We implore you to reconsider a step that could lead to the end of our public school system as we know it.

The second principle is our policy that the interests of all the students in all the schools must

be considered first and foremost. We believe all students have the right to an equal opportunity to learn regardless of sex, race, religion or colour. The public school system alone upholds these rights. The public school system accepts everyone.

The third principle is that the distinctive mission of the Ontario public school system must be maintained. Tolerance, brotherhood, love of one's fellow man, respect for the dignity of your neighbour's opinions, an abiding curiosity to understand other people who may not be of one's own sex, race, religion or colour—these are things our youngsters are learning today in Ontario's public school system, and uniquely so.

This multi-religious society of ours demands these qualities from our citizens. If we are to live in peace, if this time of lawlessness, vandalism and violence is to come to an end, we must all learn to accept and respect differences in sex, race, religion and colour. Where better to learn this important lesson than at school?

The fourth principle is our belief that in a democratic society we the citizens must have the right to discuss and challenge legislation before it is put into effect. We want more than a polite pretence to fulfil the letter of the law. It is a mockery to have hearings for three weeks during the summer holidays and to enact what is possibly illegal legislation in a hurry before public opinion can be aroused. We the taxpayers and you the politicians may live to regret this unseemly haste.

This brings us to the fifth and last principle. The fifth principle requires that this government must learn to consider the cost before spending money it does not have. First we were told it would cost \$40 million. It was simply a matter of transferring funds from one board to the next as you transferred pupils, teachers and schools. Now we are hearing \$80 million in the first year alone, for a total of \$360 million in the first three years. Time we have plenty of, money we are short of; so take your time and think on it a while before you decide to spend.

In view of these five points, we recommend that you pause to reconsider the effect this legislation will have. Our proud tradition of public education in Ontario is about to be dealt a death blow. Certainly if this legislation is put into effect, our public school system will never be the same again and we will all be the losers. You and I and generations yet unborn will face the tragic complications of needs unmet, skills untaught, problems unsolved. The monumental battle that faces us now is to protect our excellent public

school system for generations of Ontarians yet to come.

Mr. Chairman: Perhaps I can just ask you a couple of questions about your organization and the school. How big is Stephen Leacock at this point? Has it been suffering from declining enrolment or has it been growing?

Mrs. Eadie: At the moment it has 1,350 pupils. I believe there is some decline in the enrolment. We tried to get actual figures but we could not do that.

Mr. Chairman: Do you have any idea how many Catholic students are currently at Leacock or what the drift from Leacock may be in these first couple of years?

Mrs. Eadie: How could we know that? Leacock does not ask about religion when the students are enrolled. We tried to find out but nobody knows the answer because it is not an issue.

Mr. Chairman: Have you been able to ascertain that from your parents' group? How large is it, for instance? How many members do you have?

Mrs. Eadie: We actually represent the parents of all those 1,350 students. We have talked among those who come to our meetings. We have had discussions on this at our monthly meetings. The majority opinion seems to be against the funding.

Mr. Chairman: How large is the association in terms of active membership?

10:10 a.m.

Mrs. Eadie: That varies from meeting to meeting. It is open to all members and there is no membership fee, so we do not have a list of people who come.

Mr. Chairman: I know in my own riding the stronger parents' groups seem to be at the public school level; I do not think there is an active parents' group at the high school level. I am quite pleased to see you have had an active parents' group.

Mrs. Eadie: We are a very active group. We were invited to form the group by the school. It has been very successful.

Mrs. Chu: May I expand on that? The potential membership is quite large in relation to the number of students we have, but the type of monthly meeting we have is based on the particular subject matter that we are dealing with. For instance, the Ontario Schools, Intermediate and Senior Divisions curriculum guidelines were one matter. We devoted one program just to

OSIS. About 60 parents showed up because they were concerned about the change in the system. Another time we might have 25 parents. It is not a regular pattern; it depends on the particular program we have. We do not have a number for the membership.

Mr. Chairman: I am not familiar with the area around Leacock. Is there a Catholic school in the area that would be an obvious place for expansion or growth with this extension? Is there no facility that offers grades 9 and 10 in the separate system in your area?

Mrs. Eadie: Francis Libermann Separate School is quite close to us. Some of the neighbourhood children go to that school and some go to Senator O'Connor College in Don Mills. They bus there.

Mr. Offer: I would like to compliment you on your submission. A lot of the principles you enunciate are ones that we in the committee and people generally across this province share.

You are aware the question of the constitutionality, the validity, of full funding is being taken to the Court of Appeal. This question is going to be decided prior to the enactment of the legislation. I ask you what position you take with respect to the question of the validity of full funding being referred to the Court of Appeal. What position do you take with respect to that question being posed?

Mrs. Chu: If you wait for the courts to decide whether it is legal, I presume we will have to accept that. At this point, we are asking you to defer the matter until that is decided. Does that answer your question?

Mr. Offer: Yes. It is my understanding that in the course of dealing with the bill we will be waiting for a decision from the Court of Appeal. Right now, this committee has been set up to hear submissions from different people throughout the province. I must take issue with you. When you state, on page 3 of your brief, that it is a mockery to have hearings for three weeks. First, I believe it is three months; and second, I do not believe it is a mockery. Submissions from groups like yours and others across the province have been, to date, very well done and well presented. Speaking personally, they have given us a great deal to think about and many new ideas. I question what you mean when you use that sentence, "It is a mockery."

Mrs. Eadie: What we meant was: okay, you have invited us to the public hearings and that is very nice, but nobody seems to be listening. You say "Thank you" for making a presentation, and

then a member will stand up and say, "The legislation is going ahead." What is the point of having a hearing if it is not going to have any effect? That is the mockery of it.

Mrs. Harvey: Sean Conway said yesterday it was going ahead. I heard that on the news this morning. What is the point of us even being here if he has already said it is going ahead? That is a mockery. The electorate has no say because all three parties took the same position. You have not been able to hear enough from the public as to where it stands.

Mr. Offer: I have to reply that I do not think there is anything particularly wrong in the three parties agreeing on any particular question. I do not think that should be a reason for suspicion of any kind or shape whatsoever. With respect to the proposals we have heard to date, again they are being heard and, even more important, are being listened to. It is not a matter of being a mockery but of following the most democratic of all processes.

Mrs. Harvey: There is nothing wrong with the three parties all being together on an issue provided the public generally supports it. I do not believe that is the case. I believe the majority of the people do not support the extension of the separate school funding.

Mr. D. S. Cooke: Those who support it think the majority supports it.

Mrs. Harvey: Pardon me?

Mr. D. S. Cooke: Those who support the extension think the majority of public opinion supports it.

Mrs. Harvey: They are finding out now that it does not. If it went to a plebiscite they would know soon enough.

Mr. Allen: The reference to a plebiscite brings me to a teasing conundrum that I sometimes play through my head in which the Ontario electorate would, by a majority in a referendum, decide against something like this and the Supreme Court of Canada might, on the basis of the Charter of Rights, decide that after all it was totally consistent with the Constitution. I keep wondering where we would be in that kind of a scenario.

The observation is simply to say that our political system does not just run by majorities. That is critical and extremely important in a democracy. Part of the tradition of a democracy is attention to the voice of minorities and minority groups, and the play of law and precedent over time. All those things have to be

weighed into account in determining this very difficult question.

As you have said yourselves in your brief, many of these principles are ones that most of us do share, in one way or another, and which were part of even the minister's statement respecting this bill. I would like to reiterate in particular my own concern about the public school system; the levels of funding it secured in recent years; the problems confronted in dealing with rapid shifts of programs—with the OSIS program, for example, and the impacts on technology, business studies enrolments, art and the whole issue of special education which is there.

I sometimes think the best thing we can do as legislators over the next decade would be to leave the whole system alone and let it settle down and adapt to the things that have happened because so much has been going on. I appreciate all that and I know that is where some of your concerns are.

10:20 a.m.

I must say I have become increasingly puzzled about some of the lines of argument that are coming forward. For example, you suggest the funding of the Catholic school system is to finance the education of an élite group at the expense of the majority. Correct me if I am wrong, but is it not true that the Catholic system of separate schools in Ontario grew up very much as a minority education system serving underprivileged minorities? I am thinking of the Irish Catholics in the 19th century and many of the new groups coming in the period after the Second World War.

I believe the Metropolitan Separate School Board estimates that 48 per cent of the students enrolled in its system right now are newly arrived Canadians who still speak their maternal tongues at home. This hardly has the cast of an élite group; so I am not quite sure what you mean when you use that language and describe this system as an élite one.

Mrs. Eadie: It means they are getting special consideration. What about the other groups? I realize there was a time in our history when we had basically Protestants and Catholics in this country. This country is no longer a two-religion country; we have many groups of people with many different religions. I believe you can consider the Roman Catholics an élite group because they are getting very special consideration here that the other groups are not getting. That is how we use the word "élite," I believe.

Mr. Allen: That is one way of using the word "élite"—special consideration. One then would have to ask how one responds to significant

minorities that have special needs and concerns in a country such as ours.

Mrs. Eadie: The public school system has served the minorities very well, and we are in favour of it continuing to do that.

Mr. Allen: If you take minorities seriously, do you insist upon laying on them the requirements of the majority? For example, in this instance one has the parents of almost 500,000 children who say that for them the public school system is a fine one for those who wish to have that form of education. However, there are those of us—speaking for them, because I am not a Catholic—who believe the education of a child is best accomplished in a consistent-value frame of reference and in a single ethos, which does not necessarily protect them from life but orients them to it with a basic value system. This is the way we want our children to be educated. What is the essential problem with that? Is there something wrong about that? I am still trying to struggle with that idea.

Mrs. Harvey: Public funding should not be extended to any religious groups. If a particular religious group wants its own school with its own religious training, it should be a private school.

Mr. Allen: Does the public get any benefit from the separate education system?

Mrs. Harvey: Those who think they do, can pay for it.

Mr. Allen: Would you say you are in line with the majority tradition in Ontario in saying that? If parents, in this case with a Catholic background, wish to have a separate education system, they should pay for it themselves. In your mind, is that the majority position in the course of the public history of Ontario?

Mrs. Harvey: The history of Ontario has changed. Today's Ontario is completely different.

Mr. Allen: I am asking you whether that is the majority position in Ontario.

Mrs. Harvey: I cannot speak for everyone.

Mrs. Eadie: How do we know what the majority of Ontarians think? We are speaking for Leacock.

Mr. Allen: I am only thinking of 140 years of public funding of separate schools as appearing to be something the majority in Ontario has sanctioned over its history. When one says one speaks for the majority, I am not sure what one means when that long history sits out there and says it is legitimate to provide public funds for Catholic education.

Mrs. Harvey: Personally, I am against it.

Mr. Allen: That is an honest and legitimate statement: "Personally, I am against it." When one claims to speak for majorities, one has to be a little bit more definite perhaps; that is all I am saying.

Mr. Chairman: Presumptuous one way or the other, I would say, Mr. Allen. I am not sure where that line of questioning is leading us. Perhaps Mrs. Chu would like to attempt an answer.

Mr. Allen: I am trying to get at what is meant, Mr. Chairman, by the question of *élite* versus *nonélite* education.

Mrs. Chu: We have clarified what "*élite*" meant. Discussing the history of the school system is not what we are here to do. We are not prepared to do that.

Mrs. Eadie: We are here to discuss the extension of funding to grades 11 and 12. We realize it has already been extended to grades 9 and 10; whether even that is legal, we do not know. I would like to hear the first decision on grades 9 and 10 funding, but we are here to discuss grades 11 and 12. I do not think we have to go into—

Mr. Allen: May I ask a final question? Have you ever read through a religious education curriculum provided by the Catholic schools?

Mrs. Eadie: No.

Mr. Allen: It might answer some questions. On page 3, for example, you say, "Tolerance, brotherhood, love of one's fellow man, respect for the dignity of your neighbour's opinions, an abiding curiosity to understand other people who may not be of one's own sex, race, religion or colour—these are things our youngsters are learning today in Ontario's public school system, and uniquely so."

I wonder whether by that you are stating that the children are not learning that in the separate schools.

Mrs. Chu: Except they are also learning religion; that is what we mean by that.

Mrs. Eadie: How are they learning tolerance when they are in their own little cloistered group?

Mr. Allen: As a matter of fact, the point I made a few moments ago was that there is an immense ethnic and social diversity in the Catholic system, enough to learn tolerance.

Mr. Eadie: There is only one religion; so they are not necessarily learning tolerance of other religions in the Catholic school.

Mr. Allen: What I am asking, I guess, is whether you have observed in any of the formal teaching in that system, or in any of the religious education materials in that system, intolerance for other religious groups.

Mrs. Eadie: Not personally.

Mrs. Harvey: We have to assume they are teaching their own Catholic teaching, which may not be consistent with what other people want to learn.

Mrs. Eadie: Incidentally, some supporters in our association are Catholic parents who believe in public education because it is broadminded.

Mr. Allen: I understand that. I asked that question, having had two children who received part of their education in a Catholic school. I was incredibly impressed by the religious education program and the values that were taught in regard to respect, tolerance and concern for others and for other religions. It was quite surprising, because I did not expect it.

Mr. D. W. Smith: I am sorry I missed part of your presentation, but I take up from the comments made by Mr. Offer. You, as a group, or any group, could feel disappointed in the system, but the one thing we do in the House and, I understand, in the municipal field, is to give the bill second reading and then hear it. That is why we have gone ahead this way.

The other thing is that the way the bill was handled in the first place put anyone in an awkward position to deal with it. Statements have been made that funding is going to go ahead in September, and yet that does not give this or any group enough time to hear all the presentations that are going to be heard or even give the courts time enough to decide whether it is constitutional.

I do not want to criticize anybody who has made any statement to date. However, I was a little let down when I heard Father Boehler, who I believe is the president of the Metropolitan Separate School Board, say he would hire—I am not sure he used the words "only Roman Catholics"—Roman Catholic teachers. That did not hit me the way I thought I would have liked to have heard it.

Mrs. Eadie: I listened to that debate.

Mr. D. W. Smith: I understand these are some of the things that frustrate you, but everyone is caught in a tough situation.

The other thing is that the minister has said in the House, whenever he spoke on the bill, he hoped there would be amendments to this bill. So I am sure we are not sitting here for nothing. If he

will not accept amendments, as somebody said he said yesterday, then it is a futile attempt on the part of a lot of people. There will or can be amendments made. I have to appreciate the fact that people do take the time to come and address their opinions on this issue.

10:30 a.m.

Mrs. Eadie: I want to remind the committee that government has changed its mind in the past. A recent example is the senior citizens' pensions; of course, that has not been acted upon yet, and it is federal too, I grant you that. Another thing is the Pickering airport, which cost millions and millions of dollars at the beginning; it did not come out satisfactorily for everybody, but the government swallowed its pride and admitted it made a mistake. There is also the Spadina Expressway.

Changes can be made. Even if it is started in September with a cost of millions to taxpayers, it is not too late to say next September, "Sorry, we made a mistake." Do not be afraid to change your mind.

Mr. Chairman: I do not think you should presume you are not being listened to. Over time anything is possible. As you say, there have been many examples of that sort of thing in the past. I hope you can see, even by the responses you are eliciting, that people are listening; if they are disagreeing at the moment, at least it gives you your shot to try to dissuade them. That is what these hearings are all about.

Mr. D. W. Smith: I have one other comment I want to make. I am led to believe the president of OSSTF is Roman Catholic. I agree with you there are Roman Catholics on both sides of this committee.

Mr. Chairman: And even the occasional Protestant on both sides as well. Sometimes I feel as though I am on both sides.

Mr. D. S. Cooke: This is more an observation than anything: I used to be a trustee on a public board in Windsor. I have been around this place for a few years. I was absolutely amazed in the first two weeks of our hearings to learn how great the public school system is.

Quite frankly, as an MPP and as a trustee before that, all I got was complaints about how poor our school system was in Ontario, how we do not pay enough attention to the three Rs and that our kids are graduating and going to university with insufficient reading skills and so forth.

I am very happy to hear so many people say we have an excellent educational system in so far as

quality is concerned. I will keep the record of these hearings at my home for an awfully long time so I can read some of this back when parents call me up and say how crummy our system is.

Mrs. Chu: You will have to come to Stephen Leacock and see how great it is.

Mrs. Eadie: Stephen Leacock Collegiate is the greatest school. We are very proud to be a part of it.

Mr. Chairman: We will continue until the questions are over, if it is all right with you, unless you have to leave.

Mrs. Eadie: I will not take up more time.

Mr. Chairman: You may take as much time as is necessary for the members and yourselves to have the dialogue you both want.

Mr. Jackson: Ladies of the panel, I want to know whether you have had a chance to look at the actual bill. Have you received a copy and analysed the bill in any detail?

Mrs. Chu: Yes, we have.

Mr. Jackson: Did you have any thoughts you wish to convey? Were there any flags in that legislation that you wish to articulate at this time, other than the ones you covered generally in your brief?

Mrs. Chu: You need a lawyer for that, do you not?

Mr. Jackson: I am not a lawyer, and I am not having difficulty understanding the bill. It is somewhat comprehensive.

Mrs. Harvey: There are a lot of assumptions about the mission of the Roman Catholic church and statements like that. It seems to assume certain things.

Mr. Jackson: I am sorry. I was hoping you would be able to get your mind around from the fact that you have a position and could look at the legislation and say: "Quite frankly, we cannot live with those kinds of special protections for 10 years;" or, "We seriously object to the fact that the legislation allows a school to be transferred to the separate system but makes no reference to a school being transferred to the public system."

Those are the kinds of flags I am looking for and not the generalized ones. Did none of that jump out at you?

Mrs. Chu: We worry about the effects on the public school system if the funding does go through. Let me tell you one of the experiences we could have if you move students. I will use Leacock as an example; we are very familiar with Leacock and cannot speak for any other school.

I have been on the staffing committee at Leacock for three years. If you move students because of the funding, and let us assume you move 100 students, our concern is that we are not only losing teachers but also dealing with courses where you have fewer students and where fewer options would be available to the rest of the students.

There also would be a funding problem in the area of library resources which would affect the amount of money allowed to buy books, for example. We would be hurt by that. Other students there would be hurt too. We are concerned and trying to protect that.

Mr. Jackson: Do you have a class-loading provision in your collective agreement that has an impact on your school, i.e., a fixed number of teachers per class per subject so that if you have only 20 students the program has to be abandoned?

Mrs. Chu: Mr. Davis could help us out on this. I understand from the staffing committee that the recommended number is a minimum of 15 students before you hold a course.

Mr. Jackson: That is a pretty good size.

Mrs. Chu: If it goes down to 10 or 12, the staffing committee would have to consider cutting that subject.

Mr. Jackson: That is more than generous. In my board—I was a trustee for nine years—we constructed a figure of 20 or 25.

Mrs. Chu: That is the guideline we use. At a particular time, the staffing committee might decide to go along with a course with even fewer students if it were a critical one.

Mr. Davis: Such as Latin?

Mrs. Chu: Latin? No; not at Leacock.

Mr. Jackson: On that point, that you have taken the time to consider the impact, have you talked with school board officials and/or the principal or trustees about the shift of pupils, for which some data would be available now, given that students are completing their program sheets? Have you had a chance to look at those numbers and assess the impact on the program?

Mrs. Chu: I phoned the school, but unfortunately these are the summer months and it is very difficult to get information on that. They do not yet have any numbers of how many students will be moving over. Even so, one does not have evidence to show whether they are doing so because of religion. Maybe they just happened to move out of the area. We will not know what kind of impact it will have until September.

Mr. Jackson: I submit the data should be available; the separate school that is picking up the students would have numbers. Is there no dialogue going on between the separate and public boards in your jurisdiction?

Mrs. Chu: We do not know that. It is very difficult to get in touch with the school now.

Mr. Jackson: Have you ever visited a separate school in your jurisdiction to examine or to have any insights into the program or accommodation issues?

Mrs. Chu: How would that affect us? I do not understand your question. Why would it be necessary to do that?

Mr. Jackson: In all fairness, you make some statements about the separate system. I wondered if you had any insights on it, or are these your opinions and perceptions that have been transmitted to you?

Mrs. Chu: We are concerned only with the effect on us and the public school system: losing students because of the funding. We are not interested in the program in the separate school. That is not our defence.

Mr. Jackson: Perhaps that strikes at the heart of the very issue; I am representing my riding at Queen's Park because I have to consider the needs and standards for all children in my community.

Mrs. Chu: That is your responsibility, not ours.

Mr. Jackson: It is clear we have a distinction there.

Mrs. Chu: Right.

Mr. Jackson: Would you mind if I got into a delicate area about your voting patterns? I sat back and listened to many people tell us about how it had an impact, that 42 years of Conservative rule fell because of one decision by the then Premier. I have heard all that, and you make references to it.

You do not have to answer if you feel uncomfortable. I do not want to know how you voted. I just want to ask you a simple question. Did your traditional voting patterns change on the basis of this issue? The other side of the coin is, was there an opportunity in your riding to express that change to your satisfaction?

Are you clear about what I am asking? Was your traditional voting pattern shifted on this issue? Was it that important?

Mrs. Eadie: It was not in my case because all the parties said they agreed on it anyway; so what difference was it going to make? I voted for my

traditional party, knowing the other one was not going to change anything.

10:40 a.m.

Mrs. Harvey: There was no chance to make an impact with a vote because all parties were supporting it.

Mr. Jackson: Do you feel this issue ultimately had no impact in the last election?

Mrs. Eadie: No, I do not believe that. I think a lot of people declined to vote because of it. They were very angry with the bill and that was their protest.

Mr. Chairman: Mr. Jackson, I wonder if I can ask you to—

Mr. Jackson: Shorten my questions?

Mr. Chairman: If you have one more short question, it would be nice.

Mr. Jackson: The problem I have is, if we extrapolate that line of thinking to its logical conclusion, we will have very few people voting in Ontario. Norm Sterling will be the only member in the House after the next election. I wondered whether you felt comfortable with your statement on that.

Mr. D. S. Cooke: That will solve your leadership problem.

Mr. Chairman: That is a very good way to end, Mr. Jackson.

Mr. Jackson: There would still be dissent in the House.

Mr. Guindon: Can we show that on the record?

Mr. Chairman: I am sure Mr. Sterling could still have a wonderful debate.

I would like to draw this to a close and thank you very much for coming. You are the first parents' group to come. We have a number of others scheduled through the summer and in September. We will be hearing from a lot of them. Even though you had a jaundiced view about whether you would be heard, I am glad you came and made your pitch. I think your words today were more appropriate than those in the brief. Things have changed in the past and there is no reason to believe people cannot change their legislators' minds in the future. You should feel you have had a useful time here today, have been heard and had a dialogue with members that you feel you had no opportunity to have previously.

PAT ANDREWS

Mr. Chairman: Mrs. Andrews, I do not know if you have been watching how we operate, but the basic approach is for you to lead us through

your presentation and then for us to ask questions, not to interrupt your flow.

Mrs. Andrews: I came here after talking to a few other parents on my street who were also very upset about the funding.

It is my belief that public education should be contained within one, and only one, province-wide system. To have two such comprehensive, concurrent systems as suggested would, of necessity, involve heavy increases in taxation and would be an oppressive hardship for many of us. Income and property taxes would escalate. Those of us on fixed incomes would lose our homes or live in poverty. I have a very small income and my husband is retired, so this really upsets me.

Our schools should be for teaching of educational subjects only, not the teaching of any one religion. After all, the province is responsible for offering the best education it can to its young people. It is not responsible for furthering the convictions of any one religion.

Churches are established to teach religion and are funded by those who believe. It is a great injustice for Ontario to force nonbelievers to fund any religious teaching. Religion has no place in public schools.

I am neither Catholic nor Protestant. I represent the other group of Ontario residents being asked to fund beliefs that have no valid place in their lives. I am very angry at this.

Instead of funding, with public money, more religion in schools, we should be looking at ways to do away with religious propaganda that now exists in the public school system. There are too many beliefs and too many churches in Canada to represent a common belief. It was different when we were a mixture of Catholic and Protestant citizens. There was a common belief, or two of them. Now we are too many. Protestants and Catholics make up only a small proportion of the beliefs in Ontario. Among my son's friends in high school there are a lot of different religions and not too many Catholics or Protestants; that is why I put that in.

I voted against the Conservatives in the last election—I have usually voted for that party—because I was against funding the teaching of religious beliefs in the school system, and especially the extension. I am outraged that I am being told to fund a belief I personally cannot support. I am bringing my rage to this committee because that is how I feel.

I have been a home owner and taxpayer in Scarborough for more than 23 years. I am a parent, with my last child in grade 12 this fall. I

am glad he is nearly through school, because I feel there is going to be a huge upheaval in what I know as the public school system. I do not want to fight the battle and suffer through it.

In Scarborough, it is an advantage for all students to mix freely in the public school system. The children learn of other beliefs and cultures from their classmates. It is regressive to support a system such as the separate schools represent.

Different school systems also split the whole neighbourhood. The Catholic system has different teacher-development days and even different holidays for Easter. The difference in holidays makes it almost impossible for children to get together to play after school and stamps out friendships that might have grown.

I know this from experience and it has made me sad. My daughter used to play with Catholic children across the street. When they started school, they stopped playing. It was not until they were about 18 that they renewed the relationship. I feel outraged that this has happened. If we are going to have two systems, at least have the dates together so the kids can play.

I hear the separate school system has to hire teachers who will be displaced from the public school system. This is required for only 10 years. Why only 10 years? Does this mean my children and grandchildren will not be able to work as teachers in the separate school system, no matter how excellent their credentials, because they are non-Catholic? I am talking about after the 10-year period, not now, when they are supposed to be hiring others.

I am being asked to support a religious system that will prevent my offspring from working. How can I support a system that discriminates against me, my descendants and all other religious groups? It is like supporting a system that promises unemployment to all my relatives if they choose the teaching field.

Religious training is a private affair, not the public's responsibility. I am aware that some reporters are branding as anti-Catholic those, such as myself, who do not support separate school funding. This is farthest from my mind and has nothing to do with the issue. Being against public funding of any religious belief does not mean I am against anyone's religion. I want to be free to fund the religion I believe in. I want others to have that choice too. I do not want them to have to fund my religious beliefs. It is unfair to force other people to pay the cost of teaching religion to my children or to those of others.

With the extension of public funding to the rest of the separate school system it will be only a few years before private schools with other religious beliefs will ask for funding. I shudder to think what will eventually happen. Funding for the separate school system should cease immediately. Even the funding now in place should be withdrawn and those teachers incorporated into the public system.

This aspect of complete funding of the separate school system makes my mind boggle when I think of the millions of dollars required to fund different school systems and religions in Ontario. It will mean the ultimate collapse of all the unified educational guidelines as we know them today.

That is what I thought, just as a parent.

Mr. Chairman: I do not think you should say "just as a parent." Other than the child, a parent is the most important single unit in what we are talking about here. We are all very glad you are here.

Mr. Timbrell: I want to thank Mrs. Andrews. I was going to make much the same comment as you. Most of us here are parents and share your concern for the effect on our children and grandchildren of what we are doing.

10:50 a.m.

You touched on a point that has been raised by a number of others and will likely be raised repeatedly throughout the three months of hearings, and that is the question of whether the Roman Catholic secondary school system will have the legal right to discriminate in hiring, promotion and cessation of employment in future. As the bill is drafted, they will not have that right with respect to people who move from the public to the Catholic system.

Without having formulated any opinion on the ultimate question we will have to answer, I would like to ask Mr. Nigro and ministry staff to get, in addition to the other opinions they are getting for us, some clear definition of how far we can go as a committee on this subject. In particular, I would like to know whether the constitutional and legal protection the separate school system has over the right to discriminate in employment practices for the elementary system goes ipso facto to the secondary panel.

If it does not, then obviously this committee is going to have to grapple with a couple of very fundamental questions. One will be to ask, and ultimately answer for ourselves and the people of Ontario, whether we feel the separate school system should have the right to discriminate in any way with respect to any employees in the

secondary school system. We must also respond to another difficult matter, and that is the question of whether exemption from religious instruction should be automatic or permissive.

Mr. Chairman: These are perhaps better asked of the ministry than Mr. Nigro, who is going to be pretty busy just trying to put together the information. Perhaps he could ask the ministry to look into these matters.

Mr. Timbrell: However it is done, I would like some definitive legal opinions so we know the limits.

For your edification, Mrs. Andrews, we have been told repeatedly that both the old and new constitutions, and all the legal interpretations of those documents, protect the right of the separate school system to discriminate with respect to all employment practices at the elementary level. As I say, I am not clear on the secondary panel; the issue you raise is one we cannot and should not try to ignore. We will have to deal with it before we finish our deliberations on this bill. I thank you for raising that and for speaking out.

Mr. Chairman: If it is all right with you, I will take a minute. Is there any further input from members on this suggestion? Is there any further clarification? It seemed the request was well described by Mr. Timbrell. Is there anything members would like added as we request a response from the ministry, or was that put in the essence with which members feel comfortable? It seems to be all right. Let us go with that.

I am not sure, Mr. Timbrell, how successful we will be. There may be some questions as to what presumptions can be made, but I think we should request it and see what we get; because I agree with you, at some point the committee has to grapple with that, whether before or after the courts deal with it.

Mr. Allen: On that question, just to observe it is related, the committee is going to have to decide whether this legislation extends an existing system or creates a de novo two years of secondary education in the Catholic system, and what that means with respect to any distinctive mission of the separate secondary panel. Those are matters of judgement within this committee. They are obviously affected by law and constitution in terms of what we can or cannot do. The more we can get together around that issue to help us make up our minds, the better. I would be happy to see those legal judgements from any source made available to us.

Mr. Chairman: We are free to ask witnesses their opinion as they come forward, to help us embellish our thoughts.

Mr. Allen: Mrs. Andrews, the question of, "Where does my money go?" educationally speaking, has come up repeatedly and you have asked it again. I wonder if you could amplify your concerns in the light of the fact that education taxes are designated by parents to go to one system or the other. In that sense, as far as property taxes are concerned, one is not paying for somebody else's education that one disapproves of. Secondly, education grants are paid on a per pupil basis and therefore bear fairly close correspondence to the makeup of the population wanting one system or the other for their children.

Are you objecting to that way of aligning money or are you still under the impression that your own money goes to pay the costs of a system of education of which you do not approve? The structure seems to divide the money fairly equitably in that sense.

Mrs. Andrews: I think it is unfair. We cannot have children starting friendships with different days off. When you divide the money, you immediately split the neighbourhood you live in. I do not care whether you go to a Buddhist school, a Catholic school or an atheist school, you still have those different days. The children still cannot get together and there is a split. We must have one system, just for the children's friendships.

Mr. Allen: I know. Our Catholic board and our public board agreed on those holidays recently and that helps very much.

Mr. D. S. Cooke: A few years ago—maybe Mr. Davis will remember the exact time—the ministry gave the school boards the right to set up their own school calendar. Most boards arrange for the children to get holidays and spring break at the same time. It is not something that happens only because we have a separate school system and a public school system. It is because of what local boards decide. Most local boards in the same jurisdiction decide on the same calendar. That must be relatively unique to Toronto.

Mrs. Andrews: I know how it affected my own daughter. She lost her best friend through the school system. I found it hard to accept because she really liked her. She lives across the street but she might as well live in a different country.

Mr. D. S. Cooke: You should talk to your trustees and tell them all they need to do is talk to one another and maybe they can come to common ground on holidays.

Mrs. Andrews: It is not a problem. My daughter is more than 20 now.

Mr. D. S. Cooke: Run for the school board.

Mr. Chairman: I think you have brought a very human face to the problem, a very practical, on-the-street question about the division of schools and some of the realities, like holidays, we might not have thought of. You obviously prompted Mr. Timbrell to make a request to the committee that might help us as well.

Mrs. Andrews: Not only school holidays but supporting school activities also divide the children. One is working on one fair at one school and one at another. If they both went to the same school, there would be more support. You can see this in neighbourhoods. It does not matter whether they are held on different days, it is just the support.

11 a.m.

Mr. Chairman: In Scarborough, the high schools are not based on neighbourhoods. They pull kids in from all over the city. For instance, at Birchmount Park Collegiate Institute in my riding there are kids from West Hill as well as Scarborough West, so there is no real neighbourhood sense at the high school level.

Mrs. Andrews: There is a common hatred of teachers.

Mr. Chairman: That has been a major unifying force for years, I agree. Thank you for coming before us.

ONTARIO ASSOCIATION OF ALTERNATIVE AND INDEPENDENT SCHOOLS

Mr. Chairman: The next presenters are from the Ontario Association of Alternative and Independent Schools, if they would like to come forward and take their seats. The brief has been distributed to you and is now number 52.

Mr. Vandezande, you are not unaware of how we operate, but essentially we give free rein as to how you want to present the brief. Take it through, or whichever parts you want, and then we will open to question-and-answer and go as long as we have dialogue I think is fruitful. If you would like to introduce the other people, some of whom members will know and others whom we do not, we can proceed from there. It will also help Hansard.

Mr. Vandezande: Thank you, Mr. Chairman, for your invitation for us to participate. First, let me introduce the panel. To my right is the secretary of the association, Irene Stewart; to my left is the person who tries to control the few

dollars we have, Gordon Queen; then there is the director of research and information, Mel Shipman, and the person who just slipped in there is Lyle McBurney. We had given him a holiday, but it is a little difficult to keep him away from this kind of business. He is the executive director. He is going to give us a report right after we have finished.

What I would like to do is to read through our brief for the benefit of everyone and then make ourselves available for questions or perhaps the clarification of points.

The Ontario Association of Alternative and Independent Schools, OAASIS—sometimes people call us Oasis, but it is not quite true yet—welcomes the opportunity of making this submission on the subject of extended funding for Catholic secondary schools. On behalf of 117 member schools and the families of their nearly 12,000 students, we support the decision to fully integrate the final three years of secondary education into the Catholic separate school system.

Completion of the system is a logical outgrowth of the constitutional guarantees contained in section 93 of the British North America Act. The context of these guarantees includes full parity between the two branches of public education. To interpret this context in a narrow and limited fashion is, in our view, to distort the very essence of Confederation. The spirit of the times was clearly in favour of religious and linguistic pluralism. No upper limit in terms of grade levels was even contemplated; hence, the current move to complete the system is consistent with the letter, spirit and intent of the Fathers of Confederation.

A liberal interpretation of this intent suggests that, had other significant religious or linguistic groups existed at the time of Confederation, they too would have had their rights contractually and constitutionally guaranteed. Therefore, it is not unreasonable to suggest that, when the decision on Catholic funding is implemented, the government of Ontario, with the co-operation of the opposition parties, will expand the process to include all other bona fide independent schools in the province.

This suggestion is justified on three grounds. First, there is a widespread and growing acceptance of the positive value of diversity and pluralism in all aspects of social life, including education. Second, members of the Legislature recognize the need to deal justly and equitably with all segments of the education community. Third, we anticipate a positive report from the

Commission of Inquiry into the Role and Status of Private Schools in Elementary and Secondary Education in Ontario, and believe the government will wish to act on its recommendations in an expeditious and supportive fashion.

Growing acceptance of diversity, confidence in the sense of fair play among Ontario legislators and a feeling of optimism about the forthcoming report by Dr. Shapiro do not blind us to the existence within certain educational and ecclesiastical circles of vigorous opposition to both the concept of pluralism itself and the funding proposals associated with this concept. This opposition is based on two propositions: first, any steps to broaden the possibility of choice would be socially harmful and divisive, and second, it would destroy the public, e.g., common, school system. Neither of these propositions is supported by empirical evidence.

In the two prairie provinces of Alberta and Saskatchewan that provide full funding to Catholic schools, there continues to be a large, viable, majoritarian, nonsectarian public school system. In Quebec and Newfoundland, where education is organized along confessional lines, the Protestant system has more and more taken on the character of a nondenominational educational institution. In that sense, the process is similar to the Ontario experience. Over the years, the Protestant public schools have become largely nonsectarian and have attracted the bulk of non-Catholics as well as a significant Catholic minority. There is no reason to believe this pattern will change significantly as a result of funding the last three years of Catholic education.

The impact on the public school systems of funding independent schools has also been negligible. The public school systems in the five provinces that provide a measure of support for independent schools continue to attract the overwhelming majority of the non-Catholic segment of the population.

The argument of social harm and divisiveness is also belied by the facts. In our view, full funding of francophone schools, increased funding of Catholic schools to grade 10, establishment of heritage-language programs as a collective social responsibility and the highlighting of the multicultural fact in all aspects of our social life have enriched and strengthened our social fabric and our social cohesion. Individuals and groups whose values and life patterns receive official status and recognition feel more secure within our social environment, are more at ease in their interpersonal and intergroup relations and

develop a strong commitment to our democratic way of life.

In stressing the value of pluralism and diversity, we wish to underline our support for a strong and viable public school system and for intergroup contact whereby different races, religions, cultures, social classes and ideologies can meet, intermingle and get to know each other. We reject, however, any suggestion that this must be accomplished by forcing everyone into a single structure or a single mould.

Unitary structures in themselves are no guarantee of tolerance and understanding. The Keegstra experience in the public schools of Eckville, Alberta, illustrates this point in a most dramatic fashion. Similarly, the consistent complaints of black students that there is discrimination within the public school system of Metropolitan Toronto highlight the danger of confusing contact with equitable treatment.

Conversely, the assumption that independent schools are by their very nature ethnic, religious or socioeconomic monoliths is belied by the facts. Over a third of the students at the Peoples Christian School in North York are Chinese or black. Niagara Christian College in Fort Erie includes a large number of students from Hong Kong, Singapore and Malaysia. Centennial Montessori School in Etobicoke has a mixed enrolment from white, Oriental, Jewish, Polish, Italian and Anglo-Saxon families.

In terms of socioeconomic mix, most independent schools, despite their elitist image, draw their support from a full range of income levels. A recent survey of schools affiliated with our own organization demonstrates this fact in a clear and unmistakable fashion. In the appendix, which is the last page, you will notice in the second section, for example, that if you total the numbers in the first two columns together, over 57 per cent of the households earn less than \$30,000. In the next section, at the same time these people contribute at an annual cost of 56 per cent, between \$2,500 and \$5,000. So their commitment to independent schools and to the education and wellbeing of their children is there.

Unitary structures also tend to emphasize majoritarian standards. That is why Franco-Ontarians, for example, insist on creating their own linguistic and cultural educational environment. They know from bitter experience that an amalgamated institution, such as a common school, invariably leads to the domination of the majority language and culture and thus to the negation of their own ethnocultural particularity.

11:10 a.m.

It may be hard for some people to accept the notion that a common environment, ostensibly designed to bring people together and promote harmonious intermingling, can have negative social consequences under certain circumstances. Nevertheless, the evidence is clear that an emphasis on commonality tends to negate the separate and particular. That is why the majority of Catholics, and many Jews and Protestants, have opted for their own distinctive education institutions. Only within such structures can their own visions of good education flourish.

What is true for denominational schools is also true for many nonsectarian educational groups. Montessori or Waldorf education cannot be provided by teachers who do not have either the special training or the firm commitment to these forms of pedagogy.

Similarly, thousands of children with learning exceptionalities require a small, intimate environment that is difficult to replicate in a school based strictly on geographic residency. Even alternative forms of education within the public school system have to be structured differently so as to meet the special needs and interests of participating staff, students and parents.

Given the foregoing, it is clear the case for choice in education is compelling and undeniable. The question MPPs have to answer is whether people who make these choices should pay a financial penalty for exercising their democratic rights.

In our view, the answer to this question must be in the negative. The reasons that compel us to this view are outlined in great detail in our submissions to both the Shapiro and MacDonald commissions. We are going to give you a copy of both these submissions. Given the constraints of time, we will merely file copies as appendices to our current presentation.

However, we wish to stress three points that deserve special attention and consideration.

1. Education is compulsory. This places an obligation on the government to ensure full and equitable access.

2. Certain educational choices are now recognized for funding purposes. To deny other legitimate choices of equitable treatment is a violation of our Canadian democratic tradition and our new Charter of Rights and Freedoms.

3. The voluntary sector is recognized for funding purposes in every sphere of social life except education. It is time to bring education into conformity with the mix of state and voluntary organizations that exists in housing,

health, recreation, social services, day care and the arts.

To summarize, the decision to extend funding to Catholic secondary schools is an honourable step that is long overdue. It adds to the list of positive initiatives taken over the last several decades to enshrine choice, diversity and pluralism in our social and educational life. To complete the process and ensure all groups are fairly treated, the Legislature should incorporate into public policy the following universal principle of choice based on justice and equity:

Every child in Ontario shall be guaranteed, through a system of equitable public funding, an elementary and secondary education in a school chosen by his or her parents that meets acceptable social and educational criteria.

Thank you very much, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Vandezande. That is a very helpful presentation. If it is all right with committee members, I might ask Mr. Nigro if he can give us a summary of the two presentations to the other commissions so we have it as part of our compendium of information. We do not want to add continually to our duplicating costs, if that would be all right with you, unless you have other copies you can provide.

Mr. Shipman: In the interest of quick reading, I think we can supply additional copies.

Mr. Chairman: We would need approximately 15. That will help the pulp and paper industry, which we know is in need of assistance.

Mr. Vandezande: On the other hand, we have to think of saving trees, too.

Mr. Chairman: With the quotas in the United States these days, we may have to do all we can here to help the industry.

Mr. Timbrell had some questions.

Mr. Timbrell: I want to pick up on page 6 of the brief and ask Mr. Vandezande, and any other members of the delegation who would like to participate, their positions on two or three key issues that have been raised by the committee.

The first has to do with the question of access. On page 6 you indicate that you believe the government has an obligation to ensure what you call "full and equitable access." I wonder if you could define for me what that means to you. In particular, does it mean that within a given school jurisdiction a student would have the right to attend whichever school system he or she desires? More particularly in North York, where there is Victoria Park Secondary School and Senator O'Connor Roman Catholic College—

now private and presumably soon to be publicly funded—is it your understanding that students in that area would have the choice or would there be some limitation to that access?

Mr. Vandezande: If I may talk to you as a parent, if you want to send your children to our school, the ideal situation is that you look us over and decide, for example, whether the kind of education and the religious position that is offered are of the type that you want your children exposed to. That is the first criterion. Ideally, we would have a multiplicity of schools so parents could follow the dictates of their conscience and the teaching would be in harmony with the homes.

However, I think you are suggesting that if there is a restriction in the type of school then, yes, there ought to be that kind of choice. That relationship also ought to be very close between home and school so there is harmony in terms of direction.

Mr. Timbrell: I take that as a given. As one parent who has pulled a child out of a public school and looked around for a better one and put him in there, I understand that; and I understand it as a teacher as well. I certainly accept that. But I would like to remind you that we are not dealing today with funding for your school. We are dealing with legislation to extend full funding to Roman Catholic secondary schools. The question is fundamental. I take it your position is that there should be unfettered access to either system, given the informed decisions that parents would have to make.

On a related question, some of you were in the room when Mrs. Andrews spoke and heard me ask for some legal opinions on this question of employment practices. This is a very thorny question we are going to have to deal with. What would be your advice with respect to Roman Catholic separate schools in the event that legal opinion tells us we have a discretion to go whichever way we want? Would your advice to this committee, and through it to the assembly and the government, be that discriminatory employment practices should be banned in Roman Catholic secondary schools, allowed for in their entirety or restricted in some way?

Mr. Vandezande: In some ways, they should be restricted. As I elucidated earlier, they have to be in harmony with what the school stands for. When you are educating children—you say you are a teacher; so I am sure you are familiar—you are doing a lot of leading and giving direction. That is the purpose of the existence of the Catholic system; so its philosophy of education

ought to be promoted. That is difficult for a person who does not believe in that kind of thing. Some kind of restrictive practice would be in order.

11:20 a.m.

Mr. Timbrell: How far would you restrict them? For instance, the bill says of those teachers who are designated and taken up by the Roman Catholic school board—I will quote you the section, which you may be familiar with; if not, it is subsection 136(19): “The Roman Catholic school board shall not discriminate on the basis of creed with respect to employment against any person designated by the public board.” In addition, subsection 20 says, “Subsection 19 applies in respect of employment to fill a position and in respect of employment and advancement in employment while in a position.”

Can you tell us what your understanding of the word “creed” is and, given that you believe there should be some restriction on discriminatory employment practices, whether that would meet with your approval?

Mr. Vandezande: I have some difficulty with that.

Mr. Timbrell: What?

Mr. Vandezande: Perhaps someone else could answer that.

Mr. Shipman: May I offer a comment? First, I want to go back to your earlier question for a moment, Mr. Timbrell, and add a comment. There is not only the question of—

Mr. Chairman: Would you use the microphone, please?

Mr. Shipman: Oh, there is a microphone? I thought this was a laid-back kind of environment, and I was trying to contribute to that friendly, relaxed atmosphere that sometimes is missing.

The notion of access is a dual one. There is the question of whether a school will permit entry, and there is the other side, the opportunity to make choices and to make certain types of choices accessible. The question of entry was dealt with to some extent by the president of the association, but I want to comment briefly on the other side.

If education is a social compulsion and everybody must attend, and if we believe choice is a reasonable proposition, then impediments to informed choice have to be removed. There is a two-sided question of (1) people having the opportunity without discrimination, say financially, to be able to make informed choices, and (2) what happens at the receiving end of the

institution. I wanted to add that other side to the picture.

With respect to the question of whether this association approves or disapproves of the contents of Bill 30, as a research person watching the interplay of mix that is represented in the independent school community—and I can understand why Mr. Vandezande was sometimes hesitant, because I have listened to some of the internal discussions—my sense is that, depending on the school community, approaches to restrictive qualifications for employment vary all over the map.

There is some difficulty in being able to speak for an association that covers the complete spectrum from home-schoolers to schools with a very strong religious bias. Within the association, I sense a mixed perspective on how much particularity should be emphasized.

In approaching the Catholic question, it seems to me that, were it not for the dislocations inherent in making a social change of this type and the human question associated with people losing their jobs, the issue might be approached much more restrictively.

There is general sympathy with the fact that some generosity has to apply as a result of the dislocation. As a fundamental principle, I sense, within both the Catholic school community and the independent school community, a feeling of threat that if the particularity were completely watered down, the *raison d'être* and the particularity of the school might be adversely affected. There is sympathy for the dislocative human factor and the need to place people and to guarantee them some kind of continuity of employment. Therefore, the traditional limitations within the Catholic school community seem to be a reasonable proposition.

While there is sympathy for the special steps taken in Bill 30, at the same time there is a concern that those steps should not create a situation where the very reason for the choice and the structure becomes so watered down that they negate the very reason these communities have come together. There must be some balance between human and individual fairness and guaranteeing that the ethos will be maintained. There are some schools—for example, a Christian school in Alliston—with 50 children and maybe four or five teachers. If three of the teachers were not committed to the faith community, the quality of that environment would change dramatically.

What you are getting here is a qualified enthusiasm for removing certain restrictions

based on the immediacy of the situation, plus a desire to make sure that in the process the very *raison d'être* of the school community is not destroyed.

I do not know whether I have helped or confused the issue, but that is how I see the thinking around this table.

Mr. Timbrell: I am not sure it helped, but it did not confuse, because you have stated very well the point we will have to consider at some point down the road. All of us on the committee want to ensure that, among other things, the ethos or the mission of the Roman Catholic secondary school system is maintained. We also want to be fair and equitable. The question is how best to do that.

Mr. Shipman: I think you have done very well with Bill 30.

Mr. Timbrell: Now you are answering the question. This takes me back to when you were on the North York school board and I was on council. We had these kinds of discussions.

Mr. Shipman: And we always solved the problems.

Mr. Timbrell: Eventually.

Whether you feel that the existing provisions of Bill 30 are sufficient or that the bill goes too far or not far enough—and I understand yours is a pluralistic association—if any of you have individual views on the subject, I and the rest of the committee will be delighted to hear them.

Mr. McBurney: I am at somewhat of a disadvantage, having been away, and I have not even been exposed to the contents of Bill 30, but I will try to pick up on your question, Mr. Timbrell.

When we talk about creed, we are talking about belief. "Compatibility of lifestyle" is another expression that has been used. I do not know if this committee has endeavoured to define the word "creed," but in looking at the Ontario Human Rights Code, the Charter of Rights and a number of other human rights statements, one sees that they are built around the ideas of freedom of conscience and freedom of association. I hope the legislation is meant to reinforce the idea that there are distinctives.

11:30 a.m.

All schools discriminate in a sense. What we need are criteria for acceptable forms of discrimination that contribute to the public weal and do not take away from it. Perhaps the committee will have some recommendations to that extent and will go further than merely mentioning creed.

If you were to say that a teacher could say on admittance, "Yes, I can in good faith support the goals and purposes of this school," that might be more important than asking, for example, which denomination he belongs to. If a person were able to say in the Catholic environment, "Yes, I can support the goals and objectives of this school," the chances are he is going to be strongly supportive of the Catholic faith and perhaps even a professing member of the Catholic communion. However, that they be Catholic need not necessarily be made a condition. If they can support the program of the school, it seems to me that is what you do when you teach in a public school or in any school.

Mr. Timbrell: It seems to me the interpretations have been slightly different in earlier answers we have had to this question. Those interpretations suggest an individual would not have to say, "I can support the goals and objectives," but could say, "I will not oppose them," or "I will not verbalize my own views, which would be inconsistent with the goals and objectives of this school."

We have had discussions about matters of lifestyle on several occasions. I throw this out to you: How do you think we should respond?

Mr. McBurney: Teaching, like any other human activity, is more than simply an intellectual exercise. I could say, "I can intellectually assent to the dogmas of the Catholic church," but being a non-Catholic, I would disagree deep down with some of them. I find it hard to perceive how you could fully support the program if you have reservations; it would be incipient in attitudes and in things said or left unsaid.

The whole process of education is a selective one. It might satisfy some in the Catholic community to assign a teacher to what is considered to be a nonsensitive area in religious terms. Others might say, "All areas are sensitive religiously, and we want our students and parents to be comfortable that you can support this program." A teacher is not likely to want to work in a situation where he or she feels that in conscience he or she cannot support the program.

In observing the submission by the Metropolitan Separate School Board the other day, I was quite impressed by the voluntary aspect of the teachers who have been hired thus far. All except one have been confessing Catholics who are coming on a voluntary basis saying, "That is where I feel I can do my most productive work as a teacher."

It might be that you would need an adjudicating mechanism. In our briefs, we have suggested all along that where there is disagreement these areas have to be subject to due process. Someone may have to adjudicate, "Is the person accessing our school for the appropriate reason or for some other reason?" It seems to me there have to be processes of appeal for people who feel they are being cut off unnecessarily or for a school that is being put upon for the wrong reasons.

Mr. Timbrell: I wonder whether any of the others want to speak to that.

Mr. Shipman: I would like to file a rather intriguing set of articles that appeared recently in the *Ottawa Citizen* in reference to the experience of Saskatchewan. I assume this committee does not believe it is inventing the wheel, that there is no historical precedent for the decisions it is drafting or that it has to travel around the world to refer to precedents.

It might be useful to take a look at the work of one reporter who researched the experience of Saskatchewan with the extension of Catholic school funding to completion as to what the experience of 20 years in Saskatchewan has to say to this question. I would like to file it with the committee. I found reading the material a rather instructive experience.

Mr. Chairman: It would be very helpful. We are also going to have people from Saskatchewan and Alberta to talk to us about their systems; people who have been involved in the implementation of those systems and who have watched their growth. That will be helpful advance reading for us.

Mr. Timbrell: Moving on to another, admittedly difficult issue related to the first two, there is the question of religious instruction and whether in your view, as an association or as individuals, the bill should provide for optional or compulsory exemption for non-Catholic students who attend Roman Catholic secondary schools. What is your view, Mr. Vandezande?

Mr. Vandezande: I would suggest optional exemption rather than compulsory. A person has to choose whether he wants to participate in that kind of instruction. If he does not actively want to share that view, he will not necessarily be open to the educational benefit from that view.

Mr. Timbrell: I am talking about religious instruction now, classes strictly about the faith, and not about the rest of the program, which I understand and which I accept is influenced by the faith and is part of the ethos of that school system.

Mr. Vandezande: I am suggesting that if they accept non-Catholic students, those students should have the option to participate.

Mr. Timbrell: So if they say, "I do not choose to participate in the religious instruction," they may be exempt?

Mr. Vandezande: That is right.

Mr. Timbrell: That would be your view?

Mr. Vandezande: That would be my view, if you remember my other view is that I have reservations that non-Catholic students will be accepted. Then I would say they would have to take the full program. For example, if students come to our school, they are compelled to take all the programs. That is because the philosophy of the school is such that both the students and the parents have to be in total agreement with the standards and the direction of the school.

Mr. McBurney: May I ask a question? What is the view of the Metropolitan Separate School Board and other separate school boards on that very question? I am not aware of that, having been away. What are they saying for themselves in relation to that?

Mr. Timbrell: We get different points of view. As I recall—correct me if I am wrong, Mr. Chairman—the Ontario Separate School Trustees' Association was not quite as concerned about the question of access and whether the student should have the option as was the Metropolitan Separate School Board. The Metro board was a little more hard-line on both issues than was the OSSTA. To sum it up, we are getting a wide range of views from one pole to the other on all these issues; so your input is helpful.

May I ask one last question? On average, when you look at the affiliated schools in your association that are based on a religious program or belief, what percentage of time in the average school day is used for religious instruction?

Mr. Vandezande: I would say 100 per cent. You are talking about dealing with the issues of life. There is no way in which one can cheat from a Christian point of view unless you do that totally.

Mr. Timbrell: So when you issue income tax receipts to your parents for religious instruction, do you mean to tell me the association you represent issues receipts and the Department of National Revenue accepts receipts for 100 per cent of the fees?

Mr. Vandezande: That is a rather ticklish issue. My personal position is that they ought to, because that is what I teach. I teach science, and I approach it from a religious, Christian point of

view. There are not certain chapters or free periods of the school year in which I give a religious flavour to my physics course. It is the total concept I look at in terms of what I believe and what I stand for. That is what comes across; it is all religious instruction.

By the way, that has also happened in the public school system; it is called humanism. This is just a different form of religion. I do not think you want to get into the issue of what is religion.

My school board has decided to chop up a certain portion of our curriculum. I do not even know what it is. As a parent, I get a certain percentage back, which I claim from the Department of National Revenue. It is somewhere in the neighbourhood of 30 per cent. I am personally not in agreement with that.

Mr. Timbrell: Is that the norm?

11:40 a.m.

Mr. McBurney: There needs to be something known. The Federal Court of Canada has given a judgement that if a religious school has open access and practises a nonexclusionary policy towards students that would not expel anyone for nonpayment of fees, it can claim the whole amount. That is under appeal, but that is the current standing of the law of the land, to answer that question.

Mr. Chairman: Can you give us any more information on what that case is? We might want to get that as background.

Mr. Shipman: I think he can because he was involved as one of the litigants.

Mr. McBurney: Right. We can make a copy available through Citizens for Public Justice, which has a spokesman here today. They have the Muldoon judgement. It might be quite helpful to the committee to see the criteria that Justice Francis Muldoon set forth, to say that these schools operated in a fully public manner in a nonexclusionary way and therefore were entitled to be recognized for their philosophical and charitable point of view.

Mr. Chairman: If you can forward that to us, it will be very helpful.

Mr. Epp: Mr. Vanderzande, to say you approach this subject of the extension of full funding to separate schools in Ontario enthusiastically would probably be an accurate statement from your standpoint. Is it your expectation and wish that the Legislature extend 100 per cent funding, or some portion of it, to independent schools in the future? I realize we are not discussing independent schools, but I am trying

to find out where you are coming from with respect to this.

Mr. Vanderzande: The enthusiastic part is that we like to think this is a stepping-stone towards equitable justice in education for all independent schools. We would like funding for all our schools, but whether we would necessarily ask for 100 per cent funding is debatable. We are also of the mind that it is very important for the supporting school community to be actively involved.

Independent-school people have experienced the small schools, the parent representation on direct school boards, on education committees and an active involvement in parent-teacher associations; close liaison with the schools is very beneficial. So I would think many independent-school communities would be more than happy to continue to provide the necessary facilities and look for funding for the educational process, teachers' salaries and the like, but not necessarily 100 per cent funding.

Mr. Shipman: When you receive a copy of the brief the chairman has asked us to supply, there is a section that deals with that specific issue. The majority consensus in the association that is before you today is for full funding of the instructional portion of the grant, with the balance to be borne by the school community.

Even there, there are differences of opinion. Some schools believe the same consideration given to the Catholic community should be extended fully, but the majority point of view is the one Mr. Vanderzande has expressed. That is spelled out in some detail in the document.

In talking about equity rather than sameness, there is room for that differentiation. However, the principle that everyone is entitled to some share of the tax dollar is one that is held very strongly on this side of the table.

Mr. Epp: Are you saying that in extending full funding for alternative and separate schools, you might deduct 25 per cent or something of that nature for religious instruction? I am just wondering whether I understand you correctly.

Mr. Shipman: No. There is a mindset, depending on where you come from. I am not a religious person and it has taken me a long time to internalize the ethos of the community for which I do some research. One thing I have had to learn is that what is called religious instruction as a compartmentalized phenomenon that takes place between 3 p.m. and 3:30 is a concept not shared by many of these schools. You have heard that expressed by Mr. Vanderzande today. The notion

of chopping up the school day into these artificial segments is challenged.

In trying to reply to your question, there is a grant that comes through for instructional purposes. It is not segmented among geography, religion, religious ethos, physics and literature. There is a full package, so the approach is not to give it for a portion of the instructional amount. It is the full package as each school community has organized its instructional day. In some cases it might include a half-hour of religious instruction or a course in comparative religion, but it also might be an infusion into the science program of a religious perspective, so it is not a compartmentalized approach.

Perhaps Mr. Epp will have to struggle with the notion that not everybody sees religion as a phenomenon that occurs by going to a synagogue or church for a couple of hours during the week. For many people it is a much broader, more all-encompassing phenomenon. One should be very sensitive to that point of view.

Mr. Epp: I can appreciate that, and the fact that you would not want to compartmentalize the religious instruction, that it would be integrated.

Mr. Shipman: It varies from school to school.

Mr. Epp: And from person to person; whoever the teacher is. Are you saying you would establish some kind of percentage?

Mr. Shipman: No, we are saying there is a capital grant and an instructional grant, and these schools are saying they are not interested in any of the capital-grant portion but they are interested in the full instructional grant, whether it is worth \$2,000 or \$3,000 a year. It varies between elementary and secondary.

The Ministry of Education makes a calculation every year in its regulations and comes out with a certain dollar value for the total instructional portion, the teachers' salaries, books and all the things that might be required. It is not divided as between subject structures or subject compartmentalization.

The association stands for equity based on full funding of the instructional portion of the cost of education.

Mr. Epp: Have you thought of making some separation between full funding for separate schools and full or some portion of funding for alternative and independent schools, based on the historical fact that the public has funded separate schools to grade 10 and separate school trustees are publicly elected by separate school supporters? If independent and alternative

schools had some funding, would you recommend that those trustees be elected publicly?

Mr. Vandezande: First, on the issue of financing, in the third paragraph on page 1 we are saying that if we had been in existence at the time of Confederation, the Fathers of Confederation, in their wisdom, would have recognized us as bona fide schools that should have received funding. We cannot be forever hung up on that issue. We were not around, so here we are.

We are obviously providing a viable education. At my school, the Ministry of Education has just issued 70 diplomas for grade 12 graduates and obviously they have been received by other institutions in this province. In that sense, we should be entitled to full funding, 100 per cent, on the same basis as the Catholics.

Mr. Epp: Do you mean from kindergarten to grade 12, or are you talking only about secondary school?

11:50 a.m.

Mr. Vandezande: Because our association consists of a variety of schools, I am talking of kindergarten through grade 12.

Mr. Epp: Or 13?

Mr. Vandezande: That is a real misnomer these days.

Regarding the other question about elected trustees, we have not discussed the matter of how this would be implemented. I had an opportunity to work in British Columbia when the funding for independent schools came into effect. A separate branch of the ministry there appointed an inspector of independent schools, and that is the avenue through which they were accountable to the government.

In terms of structures, etc., we have not made any suggestions on how that would take place. It may be difficult to have elected trustees because our schools are distributed across the province, so we have not looked at a specific model, as far as I can recollect.

Mr. McBurney: For your information, many of the schools have elected trustees. Many of the schools are operated by parent societies and their boards of governors are democratically elected.

Mr. Allen: I am happy to see these gentlemen before us. We have had discussions in the past on many of these issues.

Mr. Shipman: Ladies and gentlemen.

Mr. Allen: Ladies and gentlemen, excuse me. We have had discussions on these matters in the past. It is another setting, another context, in which to pursue some of the same issues. I am

quite mindful, as you are, that we are discussing a bill that extends funding for the separate schools of this province and we are not here to discuss specifically what we may be discussing down the road, in the wake of the Shapiro commission report.

None the less, the interesting feature of our exchange is the interplay between those two items. I sense there is a certain kind of legitimacy in your being here, inasmuch as the legislation that started this all off in 1841 talked about dissenting schools and did not specifically refer by word to Roman Catholic schools per se. While you claim your schools were not around in 1867, I believe there are Jewish schools that go back prior to Confederation and I would be surprised if there were not some Mennonite schools that go back before Confederation. For some reason or other, those schools did not get caught up in that historic constitutional thrust.

Mr. Shipman: Numbers.

Mr. Allen: Numbers count for a great deal. They do, indeed. I do not think any of us would want to ignore that fact.

Mr. Chairman: Now that we have established the legitimacy of it.

Mr. Shipman: You count heads.

Mr. Allen: The question I have moves on somewhat from where Mr. Epp left off. Inasmuch as you are here to endorse the extension of funding for the separate system, I am interested in how far your association also endorses the complete range of accountability structures that are there and that have evolved over time with respect to the separate school system, the elected school board structure, the public assessment base, the compliance with ministry guidelines, ministry supervision, certification of teachers, and teacher membership in professional organizations.

Could you give us some sense of where you stand with regard to that spectrum of public accountability and whether your appearance here today endorsing Bill 30 is, in effect, endorsing that public accountability structure for yourselves as well?

Mr. Vandezande: First, let me make a comment about the fact that you mentioned when Dr. Shapiro comes out with the report we may be discussing that. I certainly hope we will be discussing that. With regard to accountability, this association developed a document as an appendix to the submission that we made to Dr. Shapiro, called Public Rights and Public Respon-

sibilities, and that is where we spell out some of those procedures.

Our schools, at the moment, if you are talking about secondary schools, get twice-a-year inspection from the Ministry of Education, as I alluded to earlier, and our programs and curriculum by and large follow the Ontario curriculum as that is laid down.

I do not have the statistics at my fingertips, but within that document you will find that most of our teachers are certified under the Ontario regulations. Some will certainly have equivalency status, although maybe not identical. Most schools see to it that those kinds of professional conditions are met.

We are in the public eye. When parents spend up to \$5,000 of their own money, they are buying a product. No school is going to survive very long unless it provides bona fide education in harmony with what those people stand for. We are under public scrutiny all the time, perhaps even more so than our public school counterparts. I am directly accountable to my education committee and board and I live within arm's reach of the parents I work for daily. When they shell out their monthly tuition fees, I feel I am more directly accountable to them than some bureaucratic system. There is plenty of accountability there.

Mr. Allen: I sense an accountability arrangement of sorts that does exist and which is more refined in some points than in others. I gather the question of teacher certification is not one that all your schools have a common mind about and, while you prefer it, is not a requirement. Is that the way you put it?

Mr. Vandezande: That is correct. Some schools, like the Montessori and the Waldorf, have their own peculiar needs and teacher training because it depends on the pedagogy that is promoted there which is not necessarily covered under the Ontario teacher certification. I understand from our representatives that if they had the funding and support, they would encourage their teachers to have the Ontario teacher certificate.

As Dr. Shapiro has alluded, it is not necessarily the only certificate that is valid. It is one measure and we would strongly recommend that some form of equivalency be looked at. I have an Ontario teacher's certificate, a teacher's certificate for independent schools in British Columbia and a Christian school teacher's certificate. If you put them all on the table, they are all at par with a different emphasis.

Mr. Allen: I believe there are certain kinds of equivalency arrangements the ministry already has in its weighing of whether or not one can be certified in the province. I understand equivalency can be part of that process.

Mr. Chairman: Mr. McBurney has something he would like to add.

Mr. McBurney: Mr. Allen, you asked your question in terms of some of the existing regulations and government instructions for public education. To simplify it fairly for the association, in so far as those structures support particularity in assisting schools to discharge their mission responsibly, we would have no problem. We would have a problem where it would work conversely. That is where our own statement, Public Rights and Public Responsibilities, stands as a challenge to the strong centralization that has taken place in public education over many years. It would shorten the chain of administrative command and introduce a better balance between the pedagogical and governmental administrative structures of the schools.

This is a dynamic question you have asked and without Dr. Shapiro's findings it is hard for us to predict. We are not saying no to government structures, that exist where it can be shown they would result in more responsible and supportive discharge of the duties these schools have undertaken for themselves. But when we say that, we recognize we do challenge some of the aspects, particularly those which lead to a uniformity that impinges upon the philosophy or particular pedagogies of the school and impede it in doing its task.

12 noon

Mr. Allen: I am asking where those particularities currently in your mind run counter to, or conflict with, some of those accountability structures that the Catholic system does accept. For example, when you find a problem in the distinctiveness of your teaching core on the one hand and membership in a teachers' federation, is there a necessary conflict, because that is another kind of accountability—accountability to your professional peers in a broader sense?

Mr. McBurney: If I can answer that in respect to teachers' certification in particular, our public statement of responsibility says that teachers should not have to be members of the Ontario Teachers' Federation, for example, as a precondition for receiving public moneys.

The reason for that is some of these schools have strong philosophical feelings about the use

of the strike weapon. They have a different view of labour relationships in a teaching labour-management situation. They eschew the idea of adversarial bargaining, seeing it more as a partnership of interests where all workers are managers and all managers are workers.

Coming from that point of view, they take exception to what some would call the secular or prevailing view of labour relations. That challenge touches on a very fundamental point. From our association's point of view, if membership in the union would interfere with the school's co-operative relationship with its parents, we would not want that.

Mr. Chairman: I do not want to curtail debate and we have a very broad-ranging discussion, but it does seem to me we are leading away from Bill 30 and very much more into things that may or may not come out of the Shapiro commission. I understand the genesis of your approach on this but, if there is any way we can draw this back to or close to the parameters, I would appreciate it.

Mr. Allen: I was just about to. I have in front of me the Public Rights and Public Responsibilities document that was just referred to. With respect to an earlier discussion we had with Mr. Timbrell under "Admissions," part B, where we were talking about access provisions, I do not think you got quite a complete answer to your question as to where the MSSB stands with respect to access.

There appeared to be no objection in its mind to the provision of the bill which requires students who have to attend a school for program needs or for convenience or for some reason of handicap that makes that school a proper one to access. For a broad range of specific needs there would be no requirement that the student take the full curriculum, including religious instruction. There may be a requirement but there also may be an excuse from religious instruction in all other cases where it is a matter of choice in going to that school.

I wondered what your reaction was to that provision of the bill and that breakdown of access in Bill 30 in the light of your own statement which reads, "Applicants and parents must accept the principles, philosophy and regulations of the school, which may include the requirement of full compatibility of belief and lifestyle and they must agree that the student take the full course of prescribed study."

Mr. Chairman: Would you like to go over this a little bit or would you like to continue?

Mr. Vandezande: That is where I got a little muddled up at the beginning with Mr. Timbrell.

It depends on what stance you take. It is very difficult for Catholic schools to accept students except under these extenuating circumstances you enumerated. I recall now reading in the press as well that the schools should make it compulsory. Parents should be in agreement with the philosophy of the school, so the students should take those courses as well.

Mr. Allen: Your sense would be that that should not be as open as it is?

Mr. Vandezande: No.

Mr. Allen: Your sense would be that you would prefer to see a more confined access policy?

Mr. Vandezande: Yes.

Mr. D. W. Smith: This is a question of curiosity, but since you have it in your presentation here, you referred to the Keegstra experience. I am not sure whether I understand all that man stands for, but I do believe some of the things he has looked into or studied are right; for instance, the Trilateral Commission or the Council on Foreign Affairs.

Am I hearing from this that you do not look at history as broadmindedly as one would hope or one would expect? I believe that some of the things this guy has studied or looked into have a definite effect on all our lives, but not too many people know about them. It is a question of curiosity. I just wanted to see whether you could expand on it a little.

Mr. Shipman: I do not know how much time we have. If we want to replay the legitimacy of the historical perspective brought to the learning environment by Mr. Keegstra, you could let loose rather interesting dialogue.

Mr. Chairman: I would prefer the court judgement to be what we go by at the moment.

Mr. Shipman: We wanted to make the point that the idea of public education as the safeguard for tolerance is not assured merely by establishing an interdenominational structure, and that you have to go beyond the structural phenomenon and deal with content as well as with form.

Keegstra is an example of the public institution that supposedly brings all the races of humanity together in an environment of tolerance. For 14 years that man, in my view, was poisoning the very purposes for which public education says it stands. It is true for private education and for public education that no one has angelic purity and that there is room in each sector for some examination of content. That is the only point I wanted to make.

By the way, I should add that if you take a look at our submission to Shapiro, we think a good criterion for measuring the legitimacy and bonafides of every school—public, independent and Catholic—is a test of tolerance. The sooner we establish in this province the notion that as a criterion for legitimacy there is within each structure a demonstrated content which promotes tolerance and understanding, the sooner the Keegstra adventures would be eliminated. I point the finger at no one in particular, but that notion of tolerance as a broad criterion for legitimacy should apply to every school in this province.

Mr. Chairman: Those are words most of us can agree with.

Mr. Shipman: If I can make one more point, there is a question I was hoping someone would ask, but since nobody did I am going to offer some commentary.

There is a court intervention to test the constitutionality of the bill this committee and the Legislature are considering. I would like to suggest that if this Legislature would have—I was going to say “the courage,” but perhaps that is an unfair statement—would declare an intent of universalizing equity and fairness so that the issue is not presented to the public, as some people are interpreting it, as favouritism for a single religious community, some of the tensions, misunderstandings and need for the reference would disappear.

In other words, there is a mood out in our province that needs to be addressed in a rather bold way. Once the people of this province understand that every school community, whether Jewish, Protestant, Catholic or nonsectarian, is going to be treated by the Legislature in a fair and equitable way, the Robinette position or the somebody-else position automatically fails, in my view.

Part of the trap you gentlemen and ladies have got yourselves into is your failure to present the Catholic extension in the broad context that we are suggesting in these documents. If we have any advice for you it would be that the faster you universalize your outreach to the community, the faster some of the misunderstandings would disappear. With that gratuitous bit of advice, I would like to close.

Mr. Chairman: We respect all the advice we receive. We already have had deputations before us that fear this extension because it would add to a further extension to your groups as well.

Mr. Shipman: I am turning that on its head.

Mr. Chairman: I am only saying I do not think anything we would do at this stage would preclude somebody taking us to the courts. It is inevitable it will end up there, but thank you very much for coming before us and expressing your opinions. You have been very helpful, and no doubt I will be seeing you around the halls of Queen's Park in the future.

Before we adjourn, I want to let committee members know our Ottawa appearance looks as though it is going to be very popular. We have filled the hearings Wednesday and Thursday, starting August 21, and now we are booked up to three o'clock on Friday. I would like the steering committee members to confer with their caucus colleagues to discuss whether we may have to stay later on Friday. I wanted to forewarn you of that. I will look at ways we might be able to compress the schedule, but we may have to look at some further options.

Mr. D. W. Smith: Does that mean we are going to Kingston on the Tuesday?

Mr. Chairman: Yes, we are going to Kingston first and then to Ottawa.

The committee recessed at 12:12 p.m.

CONTENTS

Thursday, July 25, 1985

| | |
|---|-------|
| Education Amendment Act, Bill 30, Mr. Conway, recessed | S-337 |
| Recess | S-358 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
 Guindon, L. B. (Cornwall PC)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Offer, S. (Mississauga North L)
 Smith, D. W. (Lambton L)
 Timbrell, D. R. (Don Mills PC)

From Leacock Parents' Association of Stephen Leacock Collegiate Institute:

Chu, L.
 Eadie, C.
 Harvey, G.

From the Ontario Association of Alternative and Independent Schools:

McBurney, L., Executive Director
 Shipman, M., Director, Research and Information
 Vandezande, H., President
 Andrews, P., Private Citizen



No. S-14

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament

Thursday, July 25, 1985

Afternoon Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Clerk: Mellor, L.
Staff: Ngiro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, July 25, 1985

The committee resumed at 2:02 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the meeting to order. Good afternoon. I welcome our guests from Kirkland Lake. Members will note that the brief has been distributed to you and is numbered 53.

Mr. Yakubowski, I do not know whether you have previously been before a committee, but essentially we would like you to introduce your partners here. You may take as much time as you like to take us through your brief in any way that you like—if you would like to summarize sections or read major portions or whatever—and we will open it up for questions after you have finished having your say.

KIRKLAND LAKE BOARD OF EDUCATION

Mr. Yakubowski: Good afternoon, Mr. Chairman and members of the committee. I guess you know we have come a long way to be here. We have come this long distance because there has to be an impact felt by this committee in Toronto about the way Bill 30 is going to affect northern Ontario school boards. We had an option of going to Sudbury, but we thought by coming down here to you people there would be more significance and more force behind our concerns.

Appearing with me today is Jean Mino, a long-time trustee on the school board. He is French, he is Catholic and he is elected by the Catholic ratepayers in our jurisdiction. We have four Catholic trustees representing the Catholic system on our board. Mrs. McChesney is a long-time trustee, elected by public school ratepayers. When I am through with the prepared material, they will make a statement that will be unrehearsed because we want you to have a feeling as to the kinds of concerns there are.

The title of the brief is the message: Why? Why Now? Why Here?

I would like you to check a snapshot of secondary education in Kirkland Lake for the 1984-85 school year. The Kirkland Lake Board

of Education operated two secondary schools—Kirkland Lake Collegiate and Vocational Institute, a school since about 1928—and Ecole Secondaire Jean Vanier, started in 1980. These two schools are housed in one building on Second Street in Kirkland Lake.

KLCVI had an enrolment of 1,032; ESJV had 182 students. Students in these schools registered to take 8,361 credits, with KLCVI students crossing over to ESJV for 116 credits that they took in the French language, and ESJV students crossing over to KLCVI for 122 credits that they took in the English language.

The school provides the facilities of a fully composite secondary school, with part of the building housing the ESJV entity. In addition, the arrangement between the English and French secondary schools provides for the optimum sharing of library, gymnasium, cafeteria, technical shop, computer studies facilities and so on.

Also located in this unusual building are the central offices of the Kirkland Lake Board of Education and the board's audio-visual department. Within this organization there has developed a healthy relationship between the two language groups, the Kirkland Lake Board of Education and the French-language advisory committee, the administrative staffs, the teaching staffs and the public, which work diligently to make the concept of two schools in one building work for us.

We have developed a co-operative milieu, where two principals, one vice-principal, various department heads and teachers work in close harmony. Codes of behaviour have been developed jointly. School discipline is consistent; school timetables are planned jointly. The two schools, while on parallel tracks for purposes of language and instruction, never vary too far on any issue that could be divisive. We have achieved an ideal arrangement for this part of northeastern Ontario.

Then came June 12, 1984. The haste and exuberance with which the decision to translate the Davis pronouncement of June 12, 1984, into an action that would be in place as of September 1, 1985, have left concerned local citizens in a quandary. Kirkland Lake's people cannot comprehend a situation that would have three or four schools under one roof. There is no growth in

population; all enrolment forecasts for our schools indicate continued decline. So they ask: "Why? Why now? Why here?"

Just as an aside, in 1969, the public schools in our jurisdiction had 2,400 students and the secondary school had 1,900 students. In 1984, the public schools had 1,050 students and the secondary school had 1,225 students. Kirkland Lake's schools have suffered the highest and fastest rate of decline in Ontario.

The plan for secondary school programs proposed by the Kirkland Lake District Roman Catholic Separate School Board would create an unacceptable fragmentation, result in a proliferation of small secondary schools under one roof and leave many deficiencies to be resolved. Perhaps this was the real reason the plan of the Kirkland Lake District Roman Catholic Separate School Board was the only plan not recommended for the minister to approve by the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario.

Two already-small boards, Kirkland Lake Board of Education and Kirkland Lake District Roman Catholic Separate School Board, would be embarking on a competitive route in futile attempts to maintain three or four secondary schools. To divide and then to subdivide a student body of 1,200 becomes an exercise in more than vanity. Surely the Allan report of the Commission of Inquiry regarding Small Secondary Schools in Northern Ontario has emphasized the program difficulties of small units to the point that any action which results in the creation of additional small schools cannot be looked upon too fondly.

The late Dr. Jackson's admonition to "never lose sight of the fact that the child as the learner is not only the centre of the school system but the only reason for its existence," has been completely overlooked and disregarded by the plan to extend full funding to separate secondary education, particularly in a sparsely populated northern Ontario jurisdiction. To us, it would seem Bill 30 would encourage the proliferation of small secondary schools to the greater detriment of northern Ontario.

2:10 p.m.

Declining enrolment has a severe impact on program opportunity. By way of example, we have developed the following analysis of course offerings in KLCVI from 1977 to the present. You will note that in 1977 there were 1,589 students. Those students were taking 191 business or academic courses and 40 technical

courses, for a total of 231. In 1984, that same school had 1,032 students who had offered to them 40 fewer business or academic courses for a total of 151 and two fewer technical courses for a total of 38. In that period we had 42 fewer courses and therefore fewer options for our secondary school students.

In the same time frame the number of technical sections at each of the three levels of difficulty decreased. You will note that in 1977 we had four sections of technical studies taught at the advanced level, 55 sections taught at the general level and 13 sections taught at the basic level, for a total of 72 classes of technical instruction areas. In 1984, that had been cut down to two advanced classes, 35 general classes and six basic classes, for a total of 43 sections. If you subtract the 43 from the 72, you will notice the great reduction in the opportunities available to our students.

As our enrolment decreases and as its decrease may be enhanced by the growth of Roman Catholic secondary education, one forecast we have done indicates there will be only 27 sections available to our students in 1989.

Program viability is determined by the number of students in a course, the availability of a competent instructor and organizational flexibility to fit the program into a student's timetable. I am sure you are aware that as you get fewer subjects, you are unable to keep a teacher employed for a full timetable. If you have only three sections of auto shop, it is going to be pretty hard in a remote jurisdiction to hire a person half-time to make a livelihood. The whole issue of program jeopardy becomes very real.

In the following chart, we try to indicate that as the number of students decreases, the staffing ratio increases if a reasonable variety of options is to be offered. On page 7, you will notice we are not trying to shortchange our students. There has been a decline from 1982 to 1984. If you look at the FTE enrolment—for those of you who do not have school board experience, FTE means full-time equivalent—you will notice the trustees have had a real concern for students' educational future and have increased the staffing ratio so we can provide a fair number of sections.

In our French-language secondary school, you will notice that school is growing and that there is a stability in the pupil-teacher ratio. The overall ratio in that three-year period has improved from 15.29:1 to 14.45:1.

Just to show you that if you are going to have program viability you are going to hire more teachers, the more teachers you hire, the more it is going to cost. To maintain some acceptable

level of educational opportunity for our students, our pupil-teacher ratio has improved from 17.18:1 in 1974—I believe 17:1 was the provincial average then—to 14.45:1 in 1984, which is significantly better than the provincial average.

We have attempted to staff on the basis of student selection of courses. We are now at the point where educational programs will have to be cancelled, since a further improvement in pupil-teacher ratio would take us even higher than the \$251 over-ceiling amount per secondary student in our 1984 budget. In our 1985 budget, that is even more severe; it is \$407.04 over ceiling per student.

It is acknowledged that students have difficulty in timetabling courses with only one section or with double or triple periods. As school enrolment decreases, more and more subjects will be available at only one time during the day, further restricting educational opportunities for our students.

To give a simple example of the problem, a student in 1984 taking grade 9 English at the advanced level could have been slotted in up to four different places on his timetable to get that credit. That would assist him if he wished to take single-section subjects such as music or art. But if that student wanted to take art and a technical shop option, there would be an unresolvable conflict, even with our 1,000 students. The smaller the enrolment, the more conflicts affect the future educational opportunities for that kid.

In a smaller secondary school, course options become limited. We were talking about that here this morning. This is further compounded and complicated by the Ontario Schools, Intermediate and Senior Divisions curriculum guidelines and the responsibility of a school to offer courses at three levels of difficulty.

Perhaps the greatest impact on secondary school programs in our jurisdiction can be illustrated by taking the maximum staff reduction of 47.5 teachers by 1989. I will come to that figure a little bit later. Multiplying by six sections per teacher and noting that the public secondary school system would provide 285 fewer sections than it does in 1984, the number of sections would decrease from 398 to 113. What has happened to equal educational opportunity? These numbers are based on a worst-scenario situation resulting from Bill 30, wherein all separate school pupils would attend a separate secondary school.

Of the 47.5 figure, 9.6 teaching positions would be directly attributable to declining enrolment in our jurisdiction. The balance would

be attributable to the growth in the Roman Catholic secondary school system.

A further fragmentation of secondary education would result in multilevel and multigrade classes in most subjects. That is not a desirable development from the standpoint of excellence in instruction. Is that point clear about the multilevel, multiclass situation?

Page 10 refers to provision for minority-language instruction. It is the consensus of the board of education that Ecole Secondaire Jean Vanier should remain as a unit. This unit could educate separate school students on a fee-paying basis and provide French-language programs to the graduates of our French immersion programs. Any proposal that would result in the fragmentation of that school is unacceptable.

If we talked in terms of the majority-stockholder concept, we should order some studies because we are not too clear on the en bloc transfer provisions in Bill 30. Any attempt to segregate the French community would result in extreme restrictions on their program opportunities. With 76 sections in operation in 1984, a loss of one teacher to that little school would result in an eight per cent reduction in course offerings. Every effort must be made in our area to maintain ESJV as a viable entity.

It might be best to delay any action on ESJV pending the outcome of the plan of the Minister of Education (Mr. Conway) for governance of French-language schools. Why transfer ESJV to the Roman Catholic separate school system if in another year there will be a French-language school board that will automatically take responsibility for that kind of program? That part of Bill 30 will require some study.

2:20 p.m.

Page 11 deals with accommodation. The complexities and complications of student scheduling for two schools, KLCVI and ESJV, under one roof are very taxing not only to the principals involved but also to the Ministry of Education computer. To accommodate crossovers—crossover is simply a situation where a student in ESJV is slotted into the English high school for a period to take a subject such as shop, and a French student who wants his diploma from an English high school may take French, geography and that kind of thing at ESJV; however, it is a real problem in timetabling, and we talked earlier about fitting in single sections and/or double and triple periods—to accommodate those crossovers and to schedule shop, gym and music is an overwhelming exercise.

The gymnasium area in particular presents a clear picture of the problem. If three or four schools were to share the gymnasiums for intramural activities, the present activity period would be inadequate. There would be too many different programs and divisions trying to fit into too few time periods. Students lose interest if practices and games are scheduled too far apart. The result would be a decline of the intramural program. Enthusiastic coaches and players get discouraged and the level of competition becomes lower or ceases.

In February 1985, seven KLCVI teams and two ESJV teams were in practice and competition in volleyball and basketball. The coaches and players preferred more and better practice times. If a third or fourth school were added to that organization, the end of intramural and interschool sports for Kirkland Lake students would be the predictable result.

Similar examples could be developed for the science laboratories, typing rooms, art rooms, computer labs, etc. The responsibility of the Kirkland Lake Board of Education is to provide facilities and programs for its students. Any action that would have a negative effect on our students could not be condoned.

Accordingly, the Kirkland Lake Board of Education cannot support a Roman Catholic separate school board plan which would establish an English Catholic high school within the KLCVI-ESJV building. Serious management difficulties would occur. The secondary school would no longer be an integrating, unifying force in the community. There would be chaos.

I would like to turn to the question of costs. We use four classroom areas for the board offices. For those of you who do not know Kirkland Lake, I am the director of education, secretary-treasurer, chief executive officer, chief academic officer, and only academic supervisory person on staff. If the board is forced to move its central offices to rented quarters to make room for a Catholic high school, there will be an additional cost to the public of about \$30,000. That is a pretty significant figure in Kirkland Lake because it translates into three more mills. We have a very low assessment base, too, so that is another burden on the taxpayer.

The payments on the outstanding debenture debt on KLCVI will continue at the rate of approximately \$79,000 per year to 1989 and \$61,000 per year from 1989 to 1993. This debt will have an adverse effect on per-pupil costs in a shrinking system. Will that amount be a liability to public school ratepayers only?

It is noted the Kirkland Lake Board of Education would be left as the employer of most senior staff and in this regard would have huge retirement gratuity payments to make almost annually to retiring teachers. Will the grant regulations provide some compensatory help? You can check with the Ontario Secondary School Teachers' Federation. They will tell you KLCVI staff is the best qualified and most experienced of any high school in Ontario.

Cost for in-school administration on a per-pupil basis would double in a five-year period as a result of any development of a Catholic system. If we accept the payroll and fringe-benefit costs of roughly \$250,000 for the present principal, vice-principal, principal's private secretary and six clerical-secretarial workers, the cost in 1985 in KLCVI would be roughly \$242 a student. Even if we try to shrink the administrative complement, in five years we would still be looking at \$476 per student simply for the administrative function of a secondary school. That is a pretty hefty part of per-pupil costs.

There is no doubt the rapid reduction in enrolment would require a corresponding improvement in pupil-teacher ratio if the board is to meet its obligations to students. It is quite conceivable that the present KLCVI pupil-teacher ratio of 15.3:1 would be reduced to 14.7:1 as that enrolment shrinks. More likely, it would be 12:1 because you are getting into a smaller number of students, and if you are going to provide a fair education, you need to have some manpower available.

If we drop down to the worst-scenario projection in five years, of 495 anglophone public secondary students, the present PTR would require a staff of 32.4, but we know that could not provide a viable educational program. More likely, it would require nine additional teachers to provide some semblance of reasonable education for those kids.

This necessary reduction in PTR to provide some program flexibility would result in greatly increased per-pupil expenditures. Instructional costs for us right now are 73 per cent of the budget. I do not think Bill 30 has addressed that need.

The Kirkland Lake Board of Education would be responsible for the payment of a severance allowance to all teachers declared surplus, whether it be for reasons of declining enrolment or for the impact of Roman Catholic separate school growth. We have yet to declare them redundant under the terms of the collective agreement, but 47.5 teachers in five years would

require us to look at an expenditure of about \$240,000 on the basis of the present collective-agreement requirement. Bill 30 has not addressed that problem.

These examples are reported here, and there are many more that could have been developed, to illustrate that costs cannot be controlled proportionately to match any shift in enrolment. Not only does the educational program suffer, but also additional requirements are loaded on to the taxpayer.

Conclusion: The Kirkland Lake Board of Education cannot accept the concept of three or four secondary schools to serve secondary school students in this jurisdiction. It has been stated that the funding plan would not go ahead if it would have adverse effects on the public system. In this statement, we believe we have shown that the result of completion in Kirkland Lake would be to limit and then to cripple the viability of our nondenominational public secondary school system. We believe completion will jeopardize our secondary system and we further believe the ultimate objective of providing a high-quality education at the lowest possible cost to the taxpayer has been thrown to the winds. The board will remain adamant until directed to do otherwise.

It is the trustees' opinion that the social fabric of society in our jurisdiction is being threatened and affected by completion. The Kirkland Lake Board of Education is proud of the successes and traditions of Kirkland Lake Collegiate and Vocational Institute and, more recently, of Ecole Secondaire Jean Vanier. The 60th-anniversary celebrations for KLCVI are being planned for 1988. They expect the biggest school reunion that has yet happened and you are invited, gentlemen. It is a long time. We are proud of that and of ESJV.

These are the community schools. English and French live in harmony in these schools and beyond. The community cannot afford to be divided along religious lines. This position evolved as trustees made a careful study of the plan proposed by the Kirkland Lake District Roman Catholic Separate School Board.

They cannot see how Catholicity could be achieved under that board's proposal. Religious studies credits, although available, would not be compulsory. Staff, if hired or seconded, would be the same professional educators who have taught successfully in the nondenominational public secondary school system. They ask: "What will be different? What will change and how much will it cost?" We have heard an

\$80-million figure thrown around for the province for the first year.

Bill 30's effect on Kirkland Lake is not socially desirable, economically manageable or educationally advantageous. We have another example in Bill 30 wherein a made-in-Toronto pronouncement simply will not work in the more remote parts of Ontario. The long-term viability of public secondary education in Kirkland Lake is in jeopardy.

2:30 p.m.

I have a few postscripts to this. Our vice-chairman has been a vocal spokesperson on this issue of funding and I thought it would be of value to you to get some of her thoughts. In her prepared statement of May 27, she said:

"I believe in the integration of all people, not in segregation on the grounds of religion, sex, or race. I could never understand why things had to be done in such a rush. There is no legislation, guidelines or funding structure for this change. There has arisen a great lack of trust between the two school boards in Kirkland Lake.

"The Roman Catholic separate school board has demanded certain things of us, but when we wish to wait and study the matter, we have been accused of not co-operating. We have agreed to meet at the call of their chairman, but in the paper it says we have refused to meet. We have agreed to work out details for the RCSS board takeover of Ecole Secondaire Jean Vanier, either one year at a time or en bloc if funding was available. Again, we are accused of nonco-operation. What is it the RCSS board wants? How can we improve education in Kirkland Lake? That is the question we need an answer for."

On page 20 are some news clippings. Dave Ramsay is our new member, and Ed Havrot also extends his greetings to the gentlemen in this room. Dave has some mixed feelings about this. I will refer to about the fourth-last paragraph where he said: "It has started to divide our communities, because it was brought in in a backwards manner. Instead of consulting with the voters, Davis took it upon himself to make the decision arbitrarily." I will leave that article for you to peruse at your leisure.

On page 21 is an excerpt from the minutes of the local separate school board meeting held on June 10. The context for this is that the commission has refused to recommend its plan for implementation in September 1985, so they have passed a motion to establish grades 9 and 10 in their own buildings for September 1986 for the French and English sections. You might peruse

that motion against what we were saying earlier about our French school and KLCVI.

There is reference to a letter I received from the executive director of the planning and implementation commission: "It is the opinion of the chairman the letter is very clear, in that the board of education would find it more appropriate to work out a co-operative arrangement at this time when the implementation of secondary school programs by the RCSS boards is commencing. Mr. Mullins advised the trustees that he had no intention of calling any further meeting with the board of education and that the RCSS board would proceed on its own for the establishment of a two-entity high school for September 1986."

That is the way it is. If this committee can be of any help to Kirkland Lake, we would all appreciate it very much. We have tried to show you the shortfalls in the legislation because of the peculiar circumstances in Kirkland Lake.

You may have a few questions. I am sorry to have gone overtime, but the message had to be relayed.

Mr. Chairman: You did also say, though, that Mr. Mino and Mrs. McChesney want to say something.

Mr. Yakubowski: Mr. Mino should make his statement.

Mr. Mino: I do not wish to discredit the report Joe has made, because most of the statistics are fairly true. On the other hand, being a Roman Catholic member, I know statistics can be used one way or the other. You all know that. Having gone through the setting up of Jean Vanier six years ago, there were similar statements brought out. They were all negative, saying we would divide the population. Yet, if you look at this report, everything is positive about Jean Vanier because we worked together.

I agree with Joe this board did everything possible with the separate school board. Some people may not understand our area. I would like to clarify this. We have two boards. The separate school board looks after junior kindergarten to grade 8; it could go to grades 9 or 10. The public board starts at kindergarten and goes to grade 13. That is the board on which we have four members representing the French and Catholic factor regarding the high school section only. I want that to be clear.

Going back to this situation, the French-language advisory committee and the trustees on this board honestly believe that if we divided the school into three separate buildings we could not provide education for the students. It would be

impossible. We also believe we will run into a lot of problems trying to have three schools within the same building. The same happened with Ecole Secondaire Jean Vanier. It could not run two entities within an entity; but it was done, and it was done with viability. The problems are poor communication, mistrust, trying to act too fast from the other board to this board, creating a mountain out of a molehill, and the legislation not being out yet.

I think there are possibilities. I am not an expert in the field; I have been a trustee for about only 12 years. We have solved a lot of problems, but I honestly believe that if we put our heads together when this is passed, and if the Ministry of Education does the same as it did with Jean Vanier—coming in with some extra grants for the first five years to offset some of the problems we are having—it would be feasible and it would not split the population.

Mrs. McChesney: I cannot help but comment that extra grants come from extra taxes. At a time when an excellent education for our young people is even more important, if possible, than it has been and is essential for the future, it seems incomprehensible that further erosion of course offerings at enormously greater cost should even be contemplated. It has been noted that much of that added cost would be in administration. While administration is necessary if you must have three or four school boards, it does little to add to the teaching staff and to the help the children are getting.

Throughout this whole procedure we have ignored what history has told us about the desirability of the separation of church and state. To me, what we have before us now is a regressive step at enormous extra cost.

One of our great freedoms in Ontario and in Canada is our freedom of religion and I have no quarrel with people practising their own religion in any way they see fit. I am talking about Roman Catholics, Protestants, Jews, Hindus, Sikhs, atheists who do not profess a religion, and anyone else; all of these people who are lumped into that public school system as opposed to the Roman Catholic system. I do not quarrel with any of them practising their religion as they would like to; but I do quarrel with being arbitrarily forced to watch the dissemination of our excellent public school system, which serves everyone in the community, and in the process paying more for the furtherance of someone else's religious aspirations. That does not make much sense to me.

I feel very fortunate that my children have already graduated from KLCVI, which provided an excellent education. For the gathering in 1988, all of those people are coming back—yes you are welcome; Joe invited you, but you have to have graduated from there. When all those people went to KLCVI, my husband included, nobody cared what religion you were, if you had any religion. It did not matter. Now it matters in Kirkland Lake. We walk down the street and we look at each other. We never even cared about it before.

I thank you very much for this opportunity to express my views. I hope they do not fall on entirely deaf ears. Someone asked whether voting patterns changed because of that arbitrary pronouncement. I think they did. They certainly changed in our family. But it did not matter, the other two parties decided to wed and we still got shafted. I wonder what good it is voting at all.

2:40 p.m.

Mr. Chairman: Several members are indicating an interest in questioning you further, so I will open it up to them.

Mr. Davis: These are the kinds of problems and concerns we are glad you are bringing us. One concern this committee has is for the 174 or 180 local schools that serve communities. If we accept the minister's statement that we protect the public educational system, it is imperative we be aware of the impact. I think I am correct in saying the impact will not be as severe in the large urban areas of this province as it is going to be in the smaller communities.

I have a number of questions if you could try to answer them for me. Can I assume you appeared before the planning and implementation committee?

Mr. Yakubowski: No.

Mr. Davis: You never appeared.

Mr. Yakubowski: The reason, as I told you earlier, is that I am the jack of all trades for our board and time is required. I just do not have enough time to do a lot of these things.

Mr. Davis: I know your plan is not approved. Am I correct in my assumption that since your plan is not approved the separate school board in that jurisdiction does not have permission to go ahead and implement its plans?

Mr. Yakubowski: The separate school board in Kirkland Lake is the only board in Ontario whose plans will not be recommended for implementation in September 1985. That is the significance I wanted to place on our particular board being here; we represent that one area in

Ontario where the Newnham commission has not seen fit to support the implementation of the Catholic plan.

Mr. Davis: Why did that happen? Can you tell me?

Mr. Yakubowski: I would like to think the arguments we posed in our impact statement were the reason for it, although there has been a lot of discussion about the two boards not getting along, the hard feelings and so on. The arguments we put forward about program viability and all those kinds of things that would tend to break and fragment the system might be the arguments they looked at more closely.

Mr. Davis: I note on page 21 of your brief that a motion has been passed, I assume by the Roman Catholic separate school board, that as of September 1986, grades 9 and 10 will be implemented.

Mr. Yakubowski: That is right.

Mr. Davis: Do they need permission to do that?

Mr. Yakubowski: Under the legislation, they will need permission for full funding. I am not sure of the status of the legislation; if they want to accept the 23 per cent over the elementary, I am not sure if that is going to be possible after Bill 30 is approved.

Mr. Davis: If you cannot answer, it is okay. Would they have the permission of the planning and implementation commission to begin—

Mr. Yakubowski: Plans for 1986 have to be submitted by mid-November of this year.

Mr. Davis: So they have not received permission.

Mr. Chairman: Do you want clarification from the ministry as to whether that is possible or not? Would that be useful?

Mr. Graham: The boards that do not have approval to go forth with an extended funding model may continue to get funding for grades 9 and 10 at the elementary rate, 1.23.

Mr. Davis: They will not get it at the secondary level then? Fine.

In your statement you have talked about a viable high school secondary education. Could you tell me what you believe are the components of a viable high school secondary education?

Mr. Yakubowski: What if I tell you everything that is available at the David and Mary Thomson Collegiate Institute? That is an ideal. We are looking, in the north, to have a very good secondary operation in terms of anywhere over 800 students.

Mr. Davis: You would attach viability to a number?

Mr. Yakubowski: To a number; and the need for a certain expertise on staff, that becomes very important as well.

Mr. Davis: How many of the 1,032 students would you say would be separate school students? I could not find it.

Mr. Yakubowski: The only statistic I can give you is that at the present time the separate school system, from junior kindergarten to grade 8, has about 1,400 students, roughly 650 English and 750 French. The French are the majority within their board. At our elementary level, from junior kindergarten to grade 8, we have about 1,050. As you project down the line, they conceivably could become the larger part of this whole French governance issue, which is different.

Mr. Davis: Are you saying it is impractical to create three schools in one, even if you were to share programs? You have difficulty doing that with two.

Mr. Yakubowski: We have difficulty time-
tabling two. When our principals and vice-principals are back for the greater part of the summer they are not getting much of a break.

Mr. Davis: If the separate school board created its own school entity, whether in the same building or another building, do you believe it could afford its students a viable secondary school education?

Mr. Yakubowski: Only if there would be capital available to invest in brand-new facilities and provide technical shops, computer labs, classrooms for business studies and so on.

Mr. Davis: Could they do it if they remained in this building in which you now house the two schools?

Mr. Yakubowski: The organizational difficulties are going to be too great to overcome. You can say, "We can sell you shop time." How do you sell the shop time if they have seven students who want auto mechanics at grade 9 and we have six? That is 13. You were talking about numbers of 15 this morning, not like the days of the old junior high school—

Mr. Davis: I am sure the teachers will love your PTR figures.

Mr. Yakubowski: That is a fact. That is the way we are operating. Give the kids a fair shake. As those numbers decline, we are offering the French-language school 11 to one.

Mr. Davis: I realize that is even better than for the gifted students.

Mr. Yakubowski: That is right. It is not even called special education.

Mr. Davis: Thank you, Mr. Chairman.

Mr. Chairman: We do have commission members here, and if they want to get into their interpretation of things we could do so. I would prefer not to since we do not have all the parties here. We will be hearing from the Catholic board from Kirkland Lake when we are in Sudbury, as well as a parents' group, so I would prefer to leave that. We will just go on with the substance of the bill. There is enough substance in this report to give you lots of fodder for questions.

Mr. Guindon: What is the position of the French-language advisory committee on the French high school staying in the public system or going to the separate school system?

Mr. Mino: On the French advisory committee we have three trustees and a representative from each area that has French schools whose students come to the high school. We have been meeting a week before the regular board meeting to discuss some of the problems. We assist the principal of Ecole Secondaire Jean Vanier in planning the best way to do things.

We have always worked hand in hand with the board. Mind you, four or five years ago the French advisory committee was not as capable a group as it is now. We have reliable people on it and we follow the criteria. We do not take shortcuts.

We make a recommendation to the board and within 30 days they have to answer. If they do not, we have a right to go to the commissioner of language and so forth. We do not ask for unreasonable things.

Mr. Guindon: The question regarded their advice on this issue of separate and public schools in the French sector.

Mr. Mino: The first recommendation from the committee was that no action take place before January 1986 on implementing the Catholic English school and the start of transfer on the Jean Vanier schools. We did this because the yearly budget starts then and there are many factors involved if you start in the middle of the year.

2:50 p.m.

Second, had the Catholic section started at the Kirkland Lake Collegiate and Vocational Institute, it would not have made any difference whether they went to the Catholic school or the French school or KLCVI, they would all have

been in the same building. They would have more or less carried on. They would have had a home room in one area, would have carried on and the administration would have taken over in January when the budget comes in.

This whole thing came about without the French advisory committee being asked for any advice on this before a decision was made on the two boards.

Mr. Guindon: You were left out.

Mr. Yakubowski: You were involved.

Mr. Mino: We were involved with one board, but the other board totally ignored the French advisory committee.

Mr. Yakubowski: The French-language advisory committee called a public meeting to discuss it and four parents showed up. The first concern of the French-language advisory committee, as it has been throughout the province, has been to maintain the unity of that entity so we do not fragment the small French population; language must come first. The offer was made to the separate school board for the takeover, but for some reason it chose not to accept our position.

Mr. Mino: They refused to accept Ecole Secondaire Jean Vanier as an entity unless they had the Catholic school there. That was the club they were using over the head of this board. Perhaps I am not expressing it correctly.

Mr. Guindon: Mr. Yakubowski, you said at the beginning that your area was the fastest declining in Ontario.

Mr. Yakubowski: Yes.

Mr. Guindon: Why?

Mr. Yakubowski: I am not a gold miner or a worker in the woods. It is because of basic industries with mechanization and the price of gold. We have some development now, but I have been in Kirkland Lake for 21 years and in that time the population of the town itself has declined from 17,000 to 11,000. We have the highest ratio in Ontario of people over 60 as a percentage of total population and we have the highest percentage of welfare mothers as a percentage of population.

There is a beautiful book put out by the federal government that has statistics which have an impact on a lot we say. It is a unique area. Some guys are doing very well, but others are not. Nothing new is happening. They are sinking another shaft at Macassa and they are going to rework some of the tailings, but work crews are small now; mechanization does not require the manpower. The forest industry is the same way.

Mr. Allen: We have had many people lay on us the problem of the single-school community, particularly in northern Ontario, but it is not the only place where they exist. Some of us followed your struggles at Kirkland Lake with more than passing interest because it seemed to be pretty controverted and deadlocked and we wondered where the situation was going to go. We are delighted you have been able to give us so much additional information about the situation in which you find yourselves.

Given the planning and implementation commission established as one of its principal criteria that the viability of no single-public-secondary-school community's educational facility would be jeopardized in the process of implementing the policy, and given the implementation commission has not approved a plan for Kirkland Lake, are you fundamentally unhappy with the process to date?

Mr. Yakubowski: You should have a politician's answer to that one, or a trustee's. I am a civil servant. I told Bette Stephenson back around July 7, when she was Deputy Premier, how very pleased I was my youngest child is in grade 11 in Kirkland Lake.

Mr. Allen: That does not come across as an answer to my question. I had some trouble yesterday with people trying to nail jelly to the wall, but let me try again. I gather that your central concern—

Mr. Yakubowski: I will answer your question. If I am going to be involved, as the chief education officer in the Kirkland Lake area, in the education of those kids, I do not want them separated into little blocks and pieces so you cannot provide a bloody program with any decent strength.

Mr. Allen: I understand that point. You have made that very forcefully and I think it is very convincing. You do not have to persuade me of that.

I am suggesting the planning and implementation commission, in so far as it has worked on the Kirkland Lake situation—and I gather it has worked fairly hard to try to resolve whatever issues are there—has come to the conclusion that no plan proposed by the Roman Catholic separate school board to date is acceptable. That being the case, are you happy with the process the commission has used to date?

Mr. Yakubowski: In respect to that point, the planning and implementation commission should have told us what criteria were applied in the rejection of that plan. Then we might know if

they do not agree, for example, with the proliferation of more small secondary schools. They have not said that.

Mr. Allen: I see. Have you sought an interview to secure from them the precise considerations they applied and the criteria they propose to apply in specific terms to such communities as yours?

Mr. Yakubowski: All we asked them to do was give us a summary of what had happened in the whole province. The picture there was that approvals had been given in areas where the separate school board was already operating grades 9 and 10 programs. It was a case of going on to grade 11 in existing private facilities that would be eligible for the 100 per cent funding. In the whole of southern Ontario where this has taken place that has been the condition.

In the other places where they have granted approval, in the north for example, they have granted approval to the separate school board to purchase education from the board of education. In Englehart, which is part of the Timiskaming Board of Education jurisdiction, the Timiskaming board will rent classroom space for \$1 a day to the Kirkland Lake District Roman Catholic Separate School Board, at which time, if the separate school board follows up on it, an instructor will be sent down to teach religion to a couple of kids.

Mr. Allen: So your concern with the commission is to get some very precise—

Mr. Yakubowski: I do not know what the criteria are.

Mr. Allen: Exactly. You want to know the criteria to see whether they meet your criteria for viability.

Mr. Yakubowski: I have that in mind.

Mr. Allen: You have your criteria here, and they are very plain, and you want to know those of the commission. Is there any reason, Mr. Chairman, why those specific criteria cannot be communicated? I am wondering if there is someone who can speak to that for us.

Mr. Chairman: There are members of the commission here. Mr. Thomas, would you like to come forward?

I am not anxious to get into a detailed debate, but rather you could answer the general question, whether it is yes, maybe or whatever. The desire for communication has been expressed. We could ask if that is possible and on what terms, rather than doing the negotiating here, although that may be the most useful thing to do.

Mr. Thomas: The commission has published its criteria in a memorandum to all directors of education and chairmen of school boards, dated January 16, 1984. The criteria had to do with employment of displaced personnel, school accommodation and viability of programs.

In the deliberations of the commission on each and every one of the plans, and on the analysis of each and every one of the plans by the staff of the commission and the recommendations that went forward to the commission, the assurance of the viability of the program in the public secondary school in each and every community was carefully analysed and the decisions of the commission were based upon that analysis.

3 p.m.

Mr. Chairman: In the Kirkland Lake decision, which is unique in the province, as we have heard from you and today as well, did you communicate the specific reasons in that specific dispute, if we can put it that way, in terms of your analysis of viability, etc.?

Mr. Thomas: Yes. The procedure is that the chairman of the planning and implementation commission submits his recommendations to the Minister of Education, and the letter of transmittal from the chairman of the commission to the Minister of Education is copied to the directors of education of each of the boards concerned. Mr. Yakubowski was copied on that letter.

The letter, as I recall it, indicated that it was hoped the Kirkland Lake Board of Education and the Kirkland Lake District Roman Catholic Separate School Board would continue to consult and co-operate in the hope that at some time in the future the separate school board might be able to arrive at a plan that would be acceptable to the commission. That was very clearly communicated to both boards.

Mr. Chairman: If it is all right with members and with Mr. Yakubowski, I would prefer that we do not use this as a forum for a more detailed discussion on this, but obviously invite Mr. Yakubowski to talk to Mr. Thomas while he is here in town. Maybe you will get yourself a dinner out of it; who knows?

Mr. Yakubowski: I was supposed to be on holiday half an hour ago, Mr. Chairman.

Mr. Chairman: Then we will call things to order very quickly and get you your break, but I suggest that perhaps you specifically state some of your concerns outside the meeting and that we move on to some of the other questions, if that is all right, Mr. Allen.

Mr. Davis: Before the commissioner leaves, I have a supplementary concerning one of the key issues we have to discuss as a committee—it appears in section 136a—that the commission will promote the best interests of public education in Ontario. That has been brought to our attention. The Minister of Education has stated several times here that it is his position, that of his government and, by inference, that of the commission to ensure the viability of the public educational system, especially in the kind of community we are looking at in Kirkland Lake.

Let us forget Kirkland Lake. The question is—and I would like an answer today, but if not, perhaps the commission could give us the answer shortly—what criteria did the planning and implementation commission use to ascertain the viability of a public educational system?

Mr. Chairman: Mr. Thomas, can that be done easily now, or would you prefer to give us some breakdown of the communities and how you did it?

Mr. Thomas: In general terms, the commission wishes to ensure that the compliance with the requirements of the Ministry of Education for the breadth of program required for the secondary school graduation diploma continues in each and every community across this province.

Specifically, in the Kirkland Lake situation, the commission sent one of the education officers from the commission staff to Kirkland Lake. He met with the directors of education of both boards and, at the very least, the chairmen of both boards. Over and above that, he met with the principal of the secondary school and reported back to the commission. In this instance we had the plan of the Kirkland Lake District Roman Catholic Separate School Board, we had the impact statement from the Kirkland Lake Board of Education, and we had the report of one of our officials from an onsite visit. and reported back to the commission. In this instance we had the plan of the Kirkland Lake District Roman Catholic Separate School Board, we had the impact statement from the Kirkland Lake Board of Education, and we had the report of one of our officials from an onsite visit.

Mr. Davis: I am going to explore that further. That may be a definition, but it does not define for me what viability means in a public educational system.

Mr. Chairman: It speaks very much to the aspect of a local option and local solution. If there is more in terms of general criteria, perhaps that could be given to us, and we will have other occasions to discuss this further.

Mr. Allen: can I limit you to one more question? We should move on.

Mr. Allen: May I simply ask, since it obviously affects the future viability of your school, what you estimate to be the pupil loss you will suffer as a result of the decision of the separate school board to move ahead with grades 9 and 10 next year? Do you have an estimate?

Mr. Yakubowski: We have not given any time to analysing the impact of that, because it is part of the process in which we will become engaged in November 1985. They will submit that plan to the commission for approval then.

Mr. Allen: I am sorry; that is for 1986, not for this fall.

Mr. Yakubowski: Their plan has had some impact in 1985. For example, they seconded from our employ a person to service principals. He started last January, and his job was to look after planning the program for 38 students in grade 9. The commission's recommendation was negative, and he will come back to work for us in September. Maybe they will go through that again. Next September or whenever, they may ask us to make a person available to them again.

Mr. Allen: So there are more than 30 students in line.

Mr. Yakubowski: Yes. I have some more detail. Those 38 kids absorbed into our system accounted for nine additional sections with one and a half teachers. For them to operate, it would be nine plus 21 sections; so they would have considerably smaller classes and a more favourable parent-teacher ratio. Also, the whole competitive aspect enters the picture; at that school you might have 12 kids in an English, French or history class while I have a class of 28.

Mr. Jackson: I would like to compliment your group for its brief. It crystallizes some areas we are just starting to explore, and there are a couple of new items you have introduced.

Mr. Yakubowski: I am sorry about that.

Mr. Jackson: No, I am delighted. The fact that you have approached the committee this early in our deliberations will help us when we see this emerge again.

Mr. Chairman: I would like to have some ministry reaction to the questions raised in the brief on the impact in terms of assessment, compensation and transfer of the school. As you know, the issue of compensation is an important one; at least I have asked the minister about it several times.

I want to ask Mr. Mino a couple of questions about the French-language advisory committee.

As a member of the Kirkland Lake board, you support the recommendation to delay the French-language aspects until Bill 28 is law.

Mr. Mino: That is right.

Mr. Jackson: Is there a motion of the FLAC that resembles that position, or is it one you have taken as a board?

Mr. Yakubowski: If I may answer that, the bill to which you made reference and which died on the order paper would have had no impact in Kirkland Lake, because our French population in ESJB is less than 10 per cent or 500; so we would have maintained our French-language advisory committee.

Mr. Jackson: Okay. Could I have some reaction from you, a subjective response, on the issue of consolidated boards?

Mr. Yakubowski: I support the position of the Ontario public school directors in the initial brief they made to the commission on the unified board. I will go one step further and say we talked to the local Roman Catholic separate school board in terms of a management committee for secondary education; that was rejected very quickly.

Yes, we have made that kind of pitch as a possibility for resolving the question in a small area, but we have not had any takers.

Mr. Jackson: Possibly it would have application for your single high school.

Mr. Mino: At the French-language advisory committee, it has never come up as a recommendation. We were looking at a way of having an umbrella board for five years until the whole process had been worked through, and then having a review to see if anything was needed or maybe some kind of committee to try to solve the grievances on both sides. It never came before the committee; it was only a discussion.

Mr. Yakubowski: It came up at the board level, however, but a representative of the separate school board rejected the concept outright.

3:10 p.m.

Mr. Jackson: Let me pursue that one step further. If the possibility existed in the legislation for you to exercise it, do you think there might be some remote chance that it would be worthy of reconsideration?

Mr. Yakubowski: In practical terms, any legislation that might be permissive in that regard would be very difficult to implement. If it were a mandatory provision—

Mr. Jackson: We are not talking about mandatory provisions. We are talking about the option.

Mr. Yakubowski: We are a very law-abiding group of trustees and educational leaders who will follow the law; but when the law is not clear, we have just thrown our hands up.

Mr. Jackson: What is the functional rated capacity of the school in question?

Mr. Yakubowski: At one time that school held more than 1,900 students. Since then we have taken away four rooms for the board offices and a couple of other rooms. At the last analysis it had a capacity of about 1,485.

Mr. Jackson: At one time you had 1,900 students in the school?

Mr. Yakubowski: Yes; but the times were different. We did not have OSIS, three levels of instruction or a heavy push to basic-level studies.

Mr. Jackson: I have a final request, Mr. Chairman. Could we have the Hansard report of this presentation with us when we are in Sudbury for those of us who forget to bring it? I would like to have that report to compare notes when we hear from the separate school board on this specific case.

Mr. Chairman: I was going to suggest that myself, and to have the brief on hand. Either one, whichever you want.

Mr. Yakubowski: If the chairman were to invite us to that meeting in Sudbury and pay our expenses, we would be very happy to attend.

Mr. Jackson: I was going to suggest that in camera, Mr. Chairman.

Mr. Chairman: Let us deal with it in camera. I am conscious that we will be hearing from other groups from Kirkland Lake at that time, and it may be that we will need some other contact with you. Given the way our schedule in Sudbury stands at the moment, I am not sure how we would manage to talk to you, except in the hallway between meetings.

I want to thank you very much for taking the time to come down as you have during your vacation, Mr. Yakubowski. It has been very helpful to us. There may very well be a follow-up from us to you in terms of detail or as we get more information from other quarters and talk with the commission.

Mr. Yakubowski: I will be happy to oblige.

Mr. Chairman: Thank you all very much. It was very helpful.

Mr. Yakubowski: No applause?

Mr. Chairman: We try to be restrained. We are trying not to be provocative.

Mr. D. W. Smith: Mr. Chairman, I rise on a point of order to clarify the record.

I am concerned that some confusion has arisen with regard to a question I put forward this morning, in which I referred to the Keegstra experience. Mr. Keegstra's name was raised by the delegation. I was attempting to note that this man had used historic fact to his own ends. My question should in no way be interpreted to suggest that I support the views of Mr. Keegstra, which I find personally repugnant and unacceptable.

Mr. Chairman: Thank you, Mr. Smith. We appreciate that.

I bring to the attention of members the fact that Albert has been replaced by Bob Gardner, and will be from time to time, although I hope not in the emergency fashion of today. Albert chipped a tooth and had to go for emergency dental repair. To spell him off from time to time, Bob will be of assistance to us as well.

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, LOCAL 595

Mr. Chairman: I now ask our next delegation, representing Local 595 of the Ontario Public Service Employees Union, to come forward. This is listed as submission 54 for members and it has been circulated. Make yourselves comfortable in seats that are well warmed, I am sure, at this point. We have enough order here in which to get started. Maybe you will allow people the chance to pick up copies of your submission and find their seats again.

I apologize for the delay, Mr. Weisleder. You might have noticed that Kirkland Lake is a rather special example of how the negotiating process has not worked out so far in the province. Because of that and because of the distance they came to talk to us, we felt it was necessary to extend the time. Do go ahead; it is nice to see you.

Mr. Weisleder: Good afternoon, Mr. Chairman and members of the committee. I am pleased indeed to see you are giving full and due consideration to presentations. We hope ours is received in that spirit.

I want to introduce a colleague, Nan Cline, who is a chief steward in the secondary panel and an executive member of Local 595 of the Ontario Public Service Employees Union. I am president of the local.

On behalf of the members of our local, I want to express our appreciation for this opportunity to present our views on Bill 30, legislation designed to extend public funding to Catholic separate secondary schools in Ontario.

My union local represents nearly 2,000 substitute teachers who work for the Toronto Board of Education, plus another 80 substitute teachers employed by the Metropolitan Toronto School Board. We are the certified teachers who are hired by school boards to replace absent, full-time, contract teachers in the classroom at both the elementary and secondary levels.

Our foremost concern is for the quality of education in Ontario's public, secular school system. As teachers we identify with the needs of our students and their need for basic life skills in an enriching and diversified educational experience. Naturally, we are likewise concerned about our role in delivering educational services, in safeguarding our employment opportunities and in improving the conditions under which we work.

Guided by these concerns, we find we are opposed to the legislation you are considering, in detail as well as in principle. Education is under attack in Ontario. This, we believe, is a fact. This sad reality will only be made worse, in our view, by the extension of funding to the separate schools' senior grades.

What is the present situation? Neighbourhood schools are being closed. Class size remains too large, despite declining enrolment over the past few years. Programs are being abandoned. Choices for students are being reduced. Teachers are being fired. There is less work for substitute teachers. In addition, while the quality of education declines, property taxes continue to rise disproportionately.

What has been the role of the provincial government in this situation? In a word: cut-backs. The provincial government's share of public secondary education costs has declined from 56 per cent in 1975 to 38 per cent in 1984. On the level of the overall cost of public elementary and high school education, the shift is even more dramatic. In 1975 the provincial government funded 35 per cent of the total; today its share is a mere nine per cent. Expressed as a percentage of the provincial budget, education received 19.9 per cent in 1984-85, compared with 22 per cent in 1980-81 and more in years prior.

Ontario's new Liberal government has expressed no intention of increasing the funding of education. Quite to the contrary, it talks of fiscal

responsibility, which working people recognize as code words for social service cutbacks and wage restraint, usually accompanied by concessions to big business. Unfortunately, we can look forward to more cutbacks in education spending, and this offers a context in which this debate occurs.

In the same breath, we are asked to believe that less money available to education will more effectively meet the needs of a greater number of school institutions and school systems. The fact is that the dwindling education dollar will be spread more thinly, particularly with needless duplication of plant and services. I believe the previous presentation testifies to that fact, unless we are to be treated to a contemporary version of the miracle of the fishes and the loaves. If that is part of the deal with Catholic authorities, we would like to know who is carrying the insurance on the delivery of that contract.

The extension of separate school funding will not improve education for anyone. The quality of education will decline for all. Supporters of one system or the other will be left to fight one another for the crumbs off the budgetary table. Extended funding to separate schools represents one thing above all: accelerated cutbacks to education at all levels. At the same time, property taxes will rise appreciably, leaving victims of Ontario's archly regressive property tax system in the intolerable situation of receiving less quality for more money, and they will include taxpayers of all religious or nonreligious persuasions.

3:20 p.m.

What is even worse, we do not know the extent of the diversion of public funds to the Catholic separate system. William Davis, when he was Premier, said the new program would cost an additional \$40 million for the school year starting in September 1985. The new Minister of Education admits the best estimate is \$80 million in the first year, \$130 million in the second year and \$150 million in each subsequent year. After hearing an interview on Dateline Ontario yesterday involving the chairman of this committee, I am not sure even those figures are fully representative of the real cost.

When will we have the facts? When it is too late, of course. At what social cost? That, too, will be known when it is too late. However, it is not difficult to predict some of the social consequences of extended funding. The deepening of education cutbacks due to aggravated underfunding of education that results from spreading the education dollar too thin will

impact on students and teachers with a vengeance.

Student drop-out and failure rates will climb. Special programs for the disabled and the retarded will suffer. The displacement of highly qualified and experienced staff will be staggering. Women and minorities will be the first to be affected by such layoffs.

All supply teachers are eminently expert on the question of being displaced. Many, if not most, of us are involved in supply teaching precisely because there have been insufficient numbers of jobs available on a full-time, contract basis in the education system. We think underfunding has something to do with that.

Further, we believe bitterness and tension will reign supreme as surplus public system teachers and substitute teachers are begrudgingly absorbed in small numbers into the expanding Catholic system and required to teach in an atmosphere that promotes Catholic doctrine while being compelled to regulate their political views and private lives accordingly.

Meanwhile, the social fabric of the province will be further torn and polarized along religious lines. The question has been asked, "What harm can come from funding another two or three grades of the separate school system?" We must answer the question with another question, "Will it stop there?"

In 1971, an Ontario politician made the following prediction: "If the government of Ontario were arbitrarily to decide to establish and maintain out of public funds a complete education system determined by denominational and religious considerations, such a decision would fragment the present system beyond repair and do so to the disadvantage of all those who have come to want for their children a public school system free of denominational or sectarian character.

"To embark on such a policy could not, in reason or justice, be limited to some faiths and denied to others, nor could it, in logic, be limited to the elementary and secondary school systems alone. We would invariably be obliged to proceed, throughout all our educational institutions, to fragment and divide both our young people and our resources, from kindergarten through post-secondary university studies."

The speaker was no professional doomsayer and certainly no radical atheist. Premier William Davis spoke those words long before he decided to leave the province a legacy of chaos and discontent.

The fact is that separate schools are private schools, although publicly funded to a great extent. Further funding for Catholic schools only begs the question, "When will other private denominational and alternative schools receive public funding?"

There is a commission now studying this question and it appears to be ready to recommend public funding for private schools. Why not? How can full funding for Catholic schools be hailed as a blow struck for equality unless it leads to full funding for all religious and ideological currents? To stop at fully funding only Catholic separate schools would surely represent simply a further entrenchment or privileged status for one religious minority that comprises only 35 per cent of the province's population at the expense of the rest of that population.

Why not go all the way and fund them all? Because it will lead to the total dismemberment of our public education system. Government clearly would not be able to support the multitude of school systems that would result. Schools would be forced to charge additional tuition fees, except perhaps for the most poorly equipped inner-city schools which would become ghettos for those who absolutely could not afford additional fees.

A voucher system or a tax credit education perspective rounds out this scenario. We can let parents choose from a supermarket of school systems. Those who want better education for their children will simply have to pay for it, above and beyond the voucher that is given by government or the tax credit that is assigned. As for those who cannot afford to do so, it is just too bad, I suppose. Settle for cut-rate or no-rate schools. Discrimination on the basis of social class, hand in hand with religious discrimination, in this way takes hold of education and is let loose upon society.

The time to stop the march towards this scenario is now, not later. That is one fundamental reason we as a union local have gone on record as opposing the extension of public funding to the separate school system or to any other denominational or private schools, even if it involves only two or three grades at the secondary level.

What about the Canadian Constitution? Is there not an obligation to fully fund Catholic schools? The evidence, we believe, leads one to conclude this is clearly not the case. Nova Scotia does not provide any funding to denominational or separate schools. Neither does Prince Edward Island. I believe they were there at the time of Confederation. Quebec is currently in the pro-

cess of secularizing all of its school boards, reorganizing them along linguistic lines.

The only judicial test of the right of separate schools to public funding in Ontario, the 1928 *Tiny township* case, indicates that only elementary separate schools have some constitutional claim on public money. Even that claim becomes weaker and weaker as the ethnic and cultural mix of Ontario moves farther and farther away from the straightforward Protestant-Catholic interface of forces at the time of Confederation.

In this light, I submit that public funding for any denominational schools is clearly a sectarian anachronism and in the light of the new Canadian Charter of Rights and Freedoms any further extension of public funds to Catholic separate schools is in fundamental conflict with the equality provisions of the charter. We believe the courts will uphold this interpretation and we hope the government will then find it morally repugnant to opt out of, or override, that section of the charter, although the government clearly has the power to do that.

The constitutional situation, not to mention the economic and social complexities associated with extended funding, should give legislators reason to be more cautious and to provide answers to the questions we and others have raised before rushing through implementation. At least a one-year moratorium is called for.

In that time, the legality of the proposed legislation can be determined, the economic and administrative implications for communities far and wide can likewise be determined and the process of wider consultation with the people of Ontario may occur. Already there is a move to initiate municipal referenda on the question of extended separate school funding. We believe the politicians at Queen's Park ought to see what such referenda might produce. Again, we believe such a process will confirm what opinion polls revealed during the recent Ontario election: that a majority of Ontarians are opposed to the extension of public funds to the senior grades of the separate school system.

Let us face it, we are in a highly unusual situation. We have no major political party willing to advocate the rational democratic education option supported by the majority of the population of this province. We think it is only reasonable that the majority be given a vehicle by which to express its views and indicate its true preference. With all due respect, this committee's hearings do not provide a sufficient opportunity for all Ontarians to demonstrate their preference on this matter.

3:30 p.m.

Because of the way the government is now proceeding, the debate over separate school funding is becoming a debate about majority rule. The government and its allies are deliberately flying in the face of majority opinion on an issue that contributed to the downfall of the previous government. How utterly unseemly it is for a minority government to become the instrument of a minority religion in imposing a solution on the majority.

For the politicians at Queen's Park to argue this is done to protect minority religious rights is the most spurious kind of reasoning. It is precisely to protect religious minorities that there is a clear and firm separation of church and state in most democratic societies. The majority shall not tyrannize the minority by imposing its religious perspective on public institutions. Neither shall a minority enjoy privileges, not rights but privileges, at the expense of the majority.

Bill 30 compromises and undermines this historic acquisition, the centuries-long and hard-fought-for separation of church and state. The legislation represents a setback for democratic rights that we are determined to resist.

The public school system is under attack. We are here to defend it and to defend everyone's right to quality secular education. Our defence of the public school system is not undertaken uncritically. We recognize it as a system with many faults, not all of which are attributable to underfunding.

The rights of students and staff are often ignored by authorities. With particular reference to the situation of my members, substitute teachers, we are still finding our way out of the Dark Ages of labour relations. We still have no job security, no benefits, no recognition for substitute teaching experience and we are paid less for doing essentially the same work as teachers on contract. Yet we work under more difficult circumstances. These are among the reasons we have unionized, one of the first groups to do so in the substitute teaching field; to change these conditions through organization and through collective bargaining.

To come back to the point, for all the faults of the public school system it is at least accountable to the entire electorate at the municipal and provincial levels and not just to one religious faction or subscription under the sway of powerful religious leaders.

There can be no doubt that religious bias does crop up in the public school system. I have heard

this argument many times. It is true. This tendency must be, and can be, combatted. In the Catholic separate school system religious bias is entrenched. It is, after all, the *raison d'être* of the system to inculcate and perpetuate that bias and all its attendant beliefs and practices.

To insist that all Ontarians support and financially contribute to a system that is geared towards the perpetuation of one religious bias, and by so doing sectarianize public institutions while heightening the fiscal crisis of an already underfunded public school system, is plainly arrogant, irresponsible and fundamentally antidemocratic.

If the provincial government proceeds, none the less, down the perilous path of fully funding separate schools, we believe it has another responsibility, a responsibility to the public to begin to desectarianize that publicly supported separate school system. Desectarianization must begin with hiring practices and norms of conduct for employees of those school boards.

We are here to draw attention to the fact that the draft legislation does not appear to take into account the needs of substitute teachers who may be displaced from the public school system by your funding decision concerning separate schools.

If full funding goes through, although we remain opposed to it, we request ironclad, written guaranteed access to work for all substitute teachers who apply to separate school boards across the province without discrimination on the basis of religious affiliation. In fact, substitute teachers displaced from the public school system as a result of your legislation should have preferential access to supply teaching positions at the newly funded schools.

Furthermore, there should be full access for non-Catholic students to all publicly funded Catholic schools and there should be legislatively guaranteed exemption from religious instruction for all students and/or parents requesting it at a publicly funded separate school.

In conclusion, our recommendations are the following:

1. That there be no extension of public funding to the senior grades of the Catholic separate school system. At the very minimum, we respectfully request a one-year moratorium on the funding decision to permit further study of its implications and further opportunity for Ontarians to express their views on this crucial question.

2. That the government stop and reverse the cutbacks in education expenditures by announc-

ing now the availability of additional funds to meet pressing needs in all school systems, at all levels of education in the province.

Thinking about it in good faith, if the government and its allies are determined to implement this policy of extended funding, one way to clear away some of the objections would be to state there will be additional funding available and none of the school systems will suffer from this decision.

3. In the event of implementation of extended funding to the separate school system, provide binding legal guarantees that separate school boards will hire surplus contract and substitute teachers who apply, on a preferential basis, without loss of seniority, wages or benefits and without discrimination on the basis of religion.

Thank you for your attention to this presentation.

Mr. Jackson: I appreciate the conclusions you have clearly set out. Could we refer the second recommendation to the Minister of Education for his response? He is not here, of course. I am merely suggesting we refer that directly to him since it addresses the broader issue of education funding. The positions of the New Democratic Party have been made clear and the direction our party proposes was enunciated in our throne speech. Perhaps that question might be addressed more clearly by the minister.

Concerning the third recommendation, this is the first time we have had the issue of supply and attendant teachers discussed in any detail. You are suggesting there be some recognition and protection in Bill 30. As I understand it, not all board jurisdictions have formalized, unionized or even contractual relationships with their supply teachers. Is that correct?

Mr. Weisleder: Yes.

Mr. Jackson: In your opinion, would that complicate the process of our addressing it; that there are some formalized mechanisms in place and in other jurisdictions there are not?

Mr. Weisleder: There is a complication from the standpoint of not being able to ascertain the views of substitute teachers in those jurisdictions where there is no certified trade union to represent them in collective bargaining. However, there are other avenues open. I trust you may hear from other substitute teachers during the committee's tour of the province. You should seek out those views.

If legislation could take cognizance of our position, as I believe your draft takes into consideration that of full-time contract teachers and other board of education staff, school boards

and separate school boards across the province would be obliged to implement those provisions and provide access to work—we are not saying permanent jobs, but supply teaching—for substitute teachers. We would like to see that in the legislation.

Mr. Jackson: Have you made a presentation to the planning and implementation commission?

Mr. Weisleder: No, and it is not for lack of intending to do so. I contacted one of the staff of the commission last fall and was told I would be contacted by him, when the hearings would be taking place locally, on how to submit a brief and so on. I did not hear back from them despite sending a follow-up letter. So the answer is no, but not for lack of trying.

3:40 p.m.

Mr. Jackson: Are you aware of any accords between coterminous boards where the question you raise was addressed in any detail? I realize I am asking you as the representative of the largest group in the province, although you may not have broad knowledge of the other organizations around the province. I wondered whether that had come to your attention.

Mr. Weisleder: No, it has not. I would like to receive any information of that nature.

Mr. Jackson: On that point, I imagine there exists some indexing and cataloguing of the component parts of all these agreements that is on file with the planning and implementation commission. Could we be advised whether such issues emerged in any of the agreements? That could be checked into and forwarded to the group for its general interest.

The Vice-Chairman: Other people have access.

Mr. Allen: I want to remind the committee we have a couple of other groups to come before us and we are running 45 minutes behind time. Perhaps we can try to be brief in our questions.

Mr. Allen: I thank the two members of the Ontario Public Service Employees Union local representing substitute teachers for coming and adding another dimension to our consideration of the bill. This is not an issue we have confronted to date. It needs to be examined. You are professional staff, along with the other teachers in other categories in the system.

My only precise question follows the lines of the previous questioner and asks whether there exist standard ratios, etc., of substitute teachers to full-time staff and so on, that in some fashion give a handle on the question of establishing a designated substitute teacher who might have

been displaced by virtue of the movement of pupils from one board to another. Are there mechanisms or ratios that give us a handle on that question?

Mr. Weisleder: I wish there were. I believe no such ratios are established in contract language at school boards. I suppose one reason for that has been the absence of organization for our colleagues at school boards across the province.

Mr. Allen: I appreciate that. If you could give a little thought to the technical question of implementing that proposal to see whether there is some way of getting through to it in a realistic way, we would appreciate it.

Mr. Jackson: Yesterday we heard from the Ontario Secondary School Teachers' Federation. They talked about a series of plans and options to retain the teaching staff that is declining on two fronts: declining enrolment and the transfer of students. They did not raise the issue of maintaining a permanent supply pool from within the staff complement. I was surprised they did not, because I know that is an option which achieves that end, and which has been used by some boards.

I assume you disagree with that concept—but I do not wish to lead you; could you perhaps pass some comment on it? We as a committee have agreed to delve deeper into that area. Perhaps you would like to take the occasion to be on record with your thoughts in that area.

Mr. Weisleder: The reason I smiled was not that we disagree with the concept. There may be conflict of interest between our organization and the other you referred to on that question, although we stand with it on the issue on which I addressed your committee.

We are seeking job security to the extent that is possible for a group of the nature we represent, but we are not opposed to assigning a pool of supply teachers to be available for assignment at different locations in the school system as the need arises from day to day, month to month, and year to year.

The people who currently are in permanent supply teaching pools are surplus full-time teachers, and they are a tiny handful in number at almost all boards. We would like to get a piece of that action, to use a phrase. We would like most of our members who teach regularly in a supply teaching capacity to be in a pool and to be guaranteed some regular work, and compensatory wages and benefits for that. That is not currently a reality, so a ratio which encompasses our members and their destination from the

public system to the separate system potentially is not a real consideration at the moment. None of our people is in those permanent supply teaching pools. Those people are, in fact, federation members who have just been laid off.

Mr. Jackson: So you would not support any major encroachment on the part of this committee in that area?

Mr. Weisleder: No.

Mr. Reycraft: On page 5, the brief refers to the situation in Nova Scotia, Prince Edward Island and Quebec. Has the group had occasion to consult with people in other provinces where full funding has taken place, Saskatchewan and Alberta? Could they convey to us the results of those conversations? Have the problems your group expresses concern about occurred in those jurisdictions?

Mr. Weisleder: I am afraid I have not been in the position to consult with supply teachers in the provinces where full funding has occurred.

Mr. Reycraft: On page 8 is a statement we have heard today and previously from other groups. Basically it is that they object to their tax dollars being used to fund a system of education that is "geared towards the perpetuation of one religious bias." It seems to me that is very similar to the argument we have heard over the years from those who support extended funding, that they too are taxpayers, both to the municipality they reside in and to the federal and provincial governments, and that the education tax dollars they are indirectly paying to those levels of government are going to a system of education that does not satisfy their needs. The parents of some 30,000 children who feel that way are making a sacrifice to pay for their children to be in schools that do not receive public funding. Has the group considered that aspect of the argument?

Mr. Weisleder: Yes, we have considered that aspect of the argument. We believe there are other avenues open to religious minorities and the religious majority, if you will, to inculcate their particular religious biases after school hours. There are in existence many after-school programs all over the province reflecting a vast diversity of religious and ideological points of view. We think those avenues are sufficient.

To conscript general public funds in the interests of perpetuating and promoting one religious bias through a public institution is fundamentally antidemocratic. Why not so fund all religious and ideological currents? I attempted to point out that the consequence of so doing would be the complete dismemberment of the

public education system. It would not be able to support such a multitude of school systems through general tax revenues. I am sure that is clear to all members of your committee.

Mr. Chairman: Other questions?

First, let me apologize for not having been able to be here throughout. A little emergency arose that I had to attend to. Otherwise, I have been pretty well rooted to this chair, and I will try to stay there. I appreciate your coming and I will make sure I read Hansard for the areas I have missed in case I have any questions I would like to direct to you. It is good of you to be here and I presume, given the time, that you had a full hearing and a good discussion. Thanks very much.

Mr. Weisleder: Thank you.

3:50 p.m.

POPE JOHN PAUL II
SECONDARY SCHOOL
STUDENT COUNCIL

Mr. Chairman: Our next presenters are from the Pope John Paul II Secondary School student council, the first student council representatives to come before us.

Welcome to the committee. I have two names underlined here. I do not know if you are co-chairing or what, but they are Alethea Correa and Teresa Iannuzziello. You have seen how we operate; you have been around, I have noticed, for the last day or so to check out the scene. If you would like to introduce yourselves and then lead us through your presentation, we will then get to comments. If either of you would like to start, please introduce the rest.

Ms. Iannuzziello: My name is Teresa Iannuzziello and I am the present vice-president of the student council of Pope John Paul II Secondary School. I shall be going into grade 10 in September. I have attended Catholic schools all my life. During my grade 8 year, I served as a legislative page at Queen's Park.

Ms. Correa: Good afternoon. My name is Alethea Correa and I am a grade 10 student at Pope John Paul II. I was born in Toronto and have spent all my life in Catholic schools. I am the youngest in my family and my elder brothers all paid tuition to complete their secondary education at Catholic schools.

Mr. Jno-Baptiste: Good afternoon. My name is Aldin Jno-Baptiste and I am the president of Pope John Paul II student council. I am a native of Dominica, West Indies. I took my early education in the public school system and my

later education in the Catholic school system. I will be starting grade 11 in September.

Mr. James: My name is John James. I am past vice-president of the student council of Pope John Paul II. I am a member of the Liberal Party.

Mr. Chairman: I noticed you were covering your tie.

Mr. Timbrell: We will not hold that against you.

Mr. James: I am going into grade 11 in September.

Mr. Pariaug: Good afternoon. I am Chris Pariaug. I am a grade 11 student at Pope John Paul II Secondary School. I am a native Torontonians and I have attended both Catholic and public schools. I am of both Muslim and Catholic religious descent.

Mr. Chairman: Your red tie does not symbolize anything in this case?

Mr. Pariaug: No, it does not.

Mr. Chairman: All right. Take us through the brief.

Ms. Iannuzziello: Mr. Chairman, the joy of every Catholic family was most evident when we heard Premier Davis announce public funding for the Catholic school system. We see this bill as just and fair to the Catholic families in Ontario, and to anyone else who believes in public funding for a separate school board. Our values and morals will be based not only on our education at home, but also on our instruction at school.

Education is undoubtedly a privilege granted to all Ontario, but to have our faith and religion taught and exemplified by the students and staff of Pope John Paul II, or any other Catholic high school, is the absolute plus in our lives. Before funding, Catholic education seemed shortchanged, in that the Catholic high schools had limited facilities compared to the public high schools. We, as students, feel the funding is timely and deserved—timely because we shall have facilities and space never dreamed possible before; deserved because our families pay taxes yet were willing to pay extra for our tuition, books and uniforms in the senior years of high school.

Ms. Correa: The original purpose of the Catholic secondary school was to complement Catholic family life and to support the efforts of the church. This idea remains not only in our modern Catholic schools but also in the minds of some non-Catholics. They view the Catholic school as a place where a solid education can be obtained not only by good discipline but also

through increased emphasis on family life and the school community. Why should anyone in Ontario be denied the superb learning experience in an appropriate school environment because he or she cannot afford the senior school fees?

Ms. Iannuzziello: School atmosphere is very important to us. We see the crucifix on the wall in each classroom, reminding us of our Christianity. Many schools have a room designated as a chapel where we can go to pray or to be quiet before, during or after one of those days. When we arrived as frightened grade 9s, one thing we all found comforting was our morning prayer, which was the common denominator for us, regardless of our abilities and backgrounds. Our uniforms also helped us to feel a part of our new high school community.

Ms. Correa: With respect to the financial problems faced by the tuition-paying families, one must realize that the actual tuition fees exceed \$1,000, the cost of books easily reaches \$200, transportation costs another \$150 and uniforms add \$150. This leaves a student with an expense of \$1,500. Without funding, several of us would be facing these costs for grade 11 in September 1985.

If the student's parents cannot afford the school's fees, one alternative is for the student to take a part-time job, perhaps endangering his grades. If high school is to be enjoyed, several of us would be facing these costs for grade 11 in September 1985.

If the student's parents cannot afford the school's fees, one alternative is for the student to take a part-time job, perhaps endangering his grades. If high school is to be enjoyed, no one should be forced to take a part-time job that may give him academic problems. Since tuition fees are so high and part-time pay so low, the student may become frustrated with the situation and be forced to turn away from the Catholic school system. Taking on a part-time job may also force him to avoid school teams and clubs because of the time these activities require. The working student must adjust his schedule so that homework is not neglected.

An alternative for a student who cannot pay tuition is to move to the public school system. This transition, formally occurring in grade 11, can cause hardship for a student. He will be forced to adjust to a new environment and make new friends at an age when others have already settled into a peer group of true friends. It is easy to say that a transferring student will be absorbed into the system, but in many cases he will not be absorbed but ostracized.

We have students of other religions in our school. For the most part, we are unaware of their differences. The opinion of one non-Catholic student is, "Since trying both systems of education, I believe the better one for me, or the one I prefer the most, is the Catholic high school system." Another person's views are that the Catholic school teachers have more discipline yet are flexible enough to take part in recreational activities. These students and their parents now pay extra tuition, but with the funding alternative education will be there for anyone who would like it.

In our opinion, public funding for our school is timely because we cannot afford the standard facilities of public high schools. Some of the privileges denied to us are programs for applied arts and technology; courses such as metal shop and auto shop are either not offered or are not as extensive as in the public high schools. Because of the lack of these programs, students who are interested in a career in applied arts or technology have to transfer to a public high school in their mid-teens. This could upset their emotions, academic progress and social adjustment.

The lack of these opportunities prevents them from discovering if they have a talent that would be a significant factor in choosing a career. Keen job competition makes every bit of experience important when applying for a job, or for university or other post-secondary education. We cannot emphasize strongly enough how vital these technological facilities are.

As young adults, we feel it is necessary to attend a Catholic school because even though our parents exemplify our faith and morals at home the school must uphold Christian values as well. The best method of teaching is by example. While parents give a good example at home, it is important for our teachers to reinforce the values and standards of our school in the classroom and during extracurricular activities.

We thank the former Premier for his just decision. We also publicly acknowledge Premier Peterson's leadership in bringing the bill forward. We thank the members of the standing committee for the opportunity to present our views.

4 p.m.

Mr. Timbrell: I am impressed that in the middle of summer vacation you would come together to prepare your brief. It was well written and well presented. I have two questions.

On page 1 of your brief you speak about "facilities and space never dreamed possible before" and then on page 4 you get into matters

related to technological programs. Is it your understanding that the existing schools are going to have duplicate facilities such as shops and studios of one kind or another that may already exist in your community, albeit in public high schools, or are you anticipating some form of sharing?

I am not sure where 655 Military Trail is, but you must be near Woburn Collegiate Institute or West Hill Collegiate Institute? Which is it?

Ms. Correa: West Hill.

Mr. Timbrell: What is your understanding? Are you going to have things that are not there now added to your school, or will you have access to facilities such as shops, gymnasiums, pools and so forth that you do not have the opportunity to use now as part of the school program?

Ms. Iannuzziello: We hope they not only will be added but also will be ours to start with, because we are already using other people's facilities. We have used facilities next door, but we hope we can have them as our own rather than having to use other people's.

Mr. Timbrell: What disadvantages are there to sharing, as you see it? What problems has it caused you or any of the other students to share or have your facilities shared by someone else who might come in?

Mr. Jno-Baptiste: Right now we do not have a school; we are in 26 portables.

Mr. Timbrell: You are that large portable school. We have heard about you.

Mr. Jno-Baptiste: We do not have any facilities. Our building program has even been stopped and frozen because of this commission. We are waiting for our school to be built. If we could get the funding, we could build a school that would be adequate or similar to a public school. Right now we have small facilities and we do not have gyms; most Catholic schools are very small and overcrowded. If we had full funding we could build our school to accommodate all the students who are trying to come.

Mr. Timbrell: You are getting on to some dangerous ground, because one of the concerns of all the parties here is that in providing full funding, among many other things, we do not want to duplicate facilities. I hope that among the student population, as well as among others listening to this debate, there is an understanding that all three parties are absolutely determined to see that where facilities, whether Catholic, Protestant, Lutheran or whatever, are already in existence and paid for by the taxpayers, they will

be used to the fullest before we start adding anything, either a new plant or an addition.

The second question I want to ask you is also about page 4. I will quote the last sentence of the first paragraph: "These students and their parents pay extra tuition"—you have already made that point very well—"but with the funding, the availability for an alternative education will be there for anyone who would like to entertain the option." Is it your view as students that anyone living in Scarborough, say, who wishes to attend John Paul II, regardless of his or her religion, should have the right to do so?

Ms. Correa: I think so, because it is not only the religion that comes out in our school but also the friends we make and the example everybody gives. It would only enhance our school population. We have non-Catholic students now and we did not know about it until this came out. We were all friends and we all got along great. There would not be any discrimination.

Mr. Timbrell: Do the non-Catholic students who currently attend John Paul II take religious instruction?

Ms. Correa: Yes, they do, because in choosing to come to our school they expected religion classes as part of the package. They were willing to attend the classes. For us, that is even better because we can have an input. In our religion classes we talk a lot and discuss issues, and in this way we can have other input and other ideas, which help us to be less close-minded about who we are.

Mr. Timbrell: I am delighted to hear that. Thank you.

Mr. Chairman: I think you wanted to add something as well.

Mr. Jno-Baptiste: No.

Mr. Chairman: Are you sure? This is your chance to get on the record. Can you tell us how big your school is and how many students there are, approximately?

Mr. Jno-Baptiste: Starting in September, approximately 700.

Mr. Chairman: When you say you use other facilities at the moment because you are in portables, what are you using for gymnastics, for instance, and things such as that?

Mr. James: There is a grade school beside us and once in a while we get to use their gym; but it is not like sharing, it is their facility. If our teachers can talk them into it once in a while we can go there and have a game of volleyball or something.

Mr. Chairman: But that is the limit of it so far.

Ms. Iannuzziello: We also use the facilities of a community centre nearby, Malvern Community Centre.

Mr. Chairman: What do you use there?

Ms. Iannuzziello: We use their rink for hockey games and for some of our school teams' practices. They have a gym as well.

Mr. Chairman: How long have you been in portables?

Mr. Jno-Baptiste: Starting in September will be our third year.

Ms. Iannuzziello: It seems longer than that.

Mr. Chairman: Are there questions from other committee members? I know there were some questions before about what a religion class is like, and you had just started to talk a little bit about that in terms of how you look at other religions and other value systems. I wonder if you would like to add anything to that.

How broadly defined are your religion classes? What kinds of things do you deal with and discuss? Most of us on this committee are non-Catholic, with the exception of Mr. Guindon, and it would be helpful to us to have some idea of what you pick up there, how you learn to deal with the values of your faith and that kind of thing.

Ms. Iannuzziello: As I said before, we talk about issues in religion classes. Most important, our religion is taught in our school through almost an osmosis process. I cannot say I can remember and pinpoint things, but as I say, things are gradually taught to us in our classes by the process of osmosis. Even in our other classes, we get into discussions occasionally.

Mr. Chairman: Would anybody like to add anything?

Mr. James: It is not only being taught; we also exchange ideas. A lot of it is discussion, and it is amazing to find out how somebody thinks differently from you. We always have friendly discussions about that. We deal with all sorts of controversial subjects, such as abortion, crime and stuff like that. We have never been hindered in discussing a subject by being told we were not allowed to talk about it or anything such as that.

Mr. Chairman: Thank you very much. Mr. Allen had a question. Now I see the list developing.

Mr. Allen: I would like to follow that a little farther. One question that comes out quite frequently from some of our presenters is

whether Catholic schools promote tolerance among people. Since you are a very diverse-looking group, I wonder if you would like to comment on whether there is a deliberate effort in your school, through your religious classes or in other ways, to develop a spirit of tolerance among people of diverse backgrounds.

Ms. Iannuzziello: Do you mean tolerance in the sense of discipline?

Mr. Allen: Tolerance in the sense of being concerned about other people and their needs as well as your own, to make provision for those and to be concerned that they have fair treatment and justice as far as their needs are concerned, both in your school and in your community.

Mr. James: We have had several campaigns, such as our recent blanket drive for the people in Ethiopia. We also have a Share Life Week, when we raise money for various charities in Toronto, and general things like that.

4:10 p.m.

Mr. Jno-Baptiste: We are taught in our religion classes in our school to treat others as we would like them to treat us. Basically, we do not judge people by their religion; we judge them only by the way they act. If they are nice, we are nice. It is a normal reaction of one person to another. We do not consider that we should act in a certain way towards people because of their religion. We just treat people as they are.

Mr. James: You can look at our panel and see there is quite a cultural mixture in our school. Dealing with the people in your school you have experience of that.

Mr. Chairman: Mr. Guindon has made a good point to me in an aside. He said anybody who lives in portables for three years has to learn tolerance.

Mr. Allen: I am tempted to pursue the portable line. I have known for some time there are about 16,000 children in the Metropolitan Separate School Board who are in portables. You are a prime example of that, since I gather your whole school is a portable school.

I am tempted to ask you what problems that creates for you. Mr. Timbrell asked you what facilities you are dreaming of down the road, and we all appreciate you are at a pretty basic level and want a house over your head, so to speak, that can put you in the same place and working together to establish basic educational programs that are much more satisfactory than the ones you have now.

I do not want to pursue that line of questioning, but I am glad to see some of you who are in those

circumstances coming and telling us about them and how you believe we should react to Bill 30.

Mr. Davis: I wonder if the students could share their feelings with me. If a student came to your school, Pope John Paul II, and for a variety of reasons decided he did not wish to take religious education, which I understand you have in a specific class, but took every other class with you, do you believe that would destroy what people call the ethos of the separate school, or its Catholicity or faith? Would that harm your school?

Ms. Iannuzziello: In the past we have had no situations where a person has come to the school and there has been a request from his parents to exempt him from religious class. Up to this point we have had no such request, but I do not think it would harm the school in any way. It would be respected as a personal choice, a personal decision. I am sure it would be respected by the principal if that were the case.

Ms. Correa: Everyone has his right in our school, although it would be kind of weird. If someone came to a Catholic school he would probably expect to take religion; but if he did not wish to, everybody would—

Mr. Davis: That would not upset you?

Ms. Correa: No.

Mr. Davis: He would still be part of the group?

Ms. Correa: Yes.

Mr. Jackson: I want to thank the students for coming as well. We could not have done our task if at one point we did not have students before us. We could not have done justice to the work we have done. We thank you for coming.

I appreciated the way you capsulized the issue of your educational environment. As a non-Catholic, I appreciate the insight you brought to that. You also make reference in your brief to programs in the public system. I am fascinated to learn from you where you get your knowledge of the other system. How do those of you who indicated you have been in a separate system all your lives gain your knowledge of the programs? The facilities are pretty easy to understand, but in terms of the content of programs, how do you learn of the difference?

Mr. James: Many of our friends do not attend Catholic schools; they attend public schools. Just talking with them you get a certain idea of what a public school is like, what kind of courses are offered and the differences between their courses and ours.

Mr. Pariaug: The public schools do have better facilities, but we do not lose out in any way. We gain our knowledge in every way. We are not lacking anything.

Mr. Jackson: There may be some situations in the province where a specific program, say auto shop, is available to grade 9 and 10 students in the public system but is not available in your school. You do not have access to that program, do you?

Mr. Pariaug: No, we do not have auto shop, but we do have shop classes where we deal with woodwork and plastic. As far as mechanics are concerned, we only know what we read.

Mr. Jackson: The question I am leaning towards has to do with what I believe is an important component that should be in the legislation and I do not see there. There is a fundamental right for students to choose the programs they feel will help them further on in life. There is a correlation between the age of the students and their ability to make that decision.

Do you feel there are any problems with the open exchange of program information between the two systems? Would students in a Catholic school continue to have full and open knowledge of the public school programs and vice versa?

Mr. Chairman: Do you know what the question is? Do you know what is happening in West Hill and do they know what is happening in your school; and if there are different programs would the kids know that when they are making their selections?

Ms. Iannuzziello: There is a pretty good communication between the schools. We know what we are lacking. Let us just say that from the communication with other schools we know the areas in which our school is lacking.

Mr. James: Education is a key in any country that wants to step forward in the century ahead. I believe one third of all students go to Catholic schools; if you send out one third of your population without the best education they could have received, you are just putting your province one step backwards. Would it not be better for the whole province if all students were educated in the best way they could be?

Mr. Jackson: For the sake of clarification, it is a matter of record that every member of the Legislature sitting on this committee stood in support of second reading of this bill. It is clear you are talking to a group that supports the basic principles. What we are here to do is to refine the legislation. Since we have you here, I am trying to get a handle on the concerns of students. I do

not know when we are going to have students before us again. It is a great opportunity to try to ask questions along those lines.

We are not trying to call into question whether the opportunity should be there for all students in this province to get a good, first-class secondary education. Indeed, the fundamental reason I supported the bill, even before it was in bill form, was that all students in this province have a right to a superb and excellent secondary education. That is what we are trying here to do today and through the course of the hearings: to refine the bill to ensure that is achieved.

Mr. Jno-Baptiste: You were asking if there was communication between the public system and the Catholic system. When I was in grade 8 we were given the opportunity to go to either a Catholic or public secondary school. Lester B. Pearson was the closest public secondary school in our region. They told us all the courses we could take in Lester B. Pearson, and we were allowed to go on a tour of the school. We had Catholic schools we could choose from and Lester B. Pearson, because that was the region we could go to. We had a full choice. We could see both sides, and I decided to go to Lester B. Pearson.

Mr. Jackson: That is the point, and I appreciate the answer because what I asked was, "Do you feel that process should continue?"

Mr. Jno-Baptiste: Yes, I do.

4:20 p.m.

Mr. Offer: I would like to pick up on a point Mr. James made a little while back, that your friends are not exclusive to the school you go to but rather are from any school, it does not matter. Just for clarification, your group of friends are where you live and it makes no difference whether they go to the separate school system or to the public school system?

Mr. James: A lot of my friends are in the Catholic school system, but I also have a lot of friends in the public school system. Some people from my grade 8 graduating class went to public schools and I still hang around with them.

Ms. Correa: When they are hanging around with their friends I do not think it is for their faith; it is for their personalities. If you have been friends a long time that is what matters most.

Ms. Iannuzziello: I would like to point out that in our school, even before we get to know a person, there is something the same amongst all of us: we are all Catholics, aside from five or six. As we said in the brief, there is a common denominator even before we get to know a

person, even before we get to know what the person is like. We are all Catholics and that creates a bond at our school, a sense of unity that we all have even before we know each other.

Mr. Offer: What about after school?

Ms. Iannuzziello: It keeps going; I would say it is still there.

Mr. Chairman: I do not think there are any other questions. A number of members are amazed that you could pull yourselves together to be here during the summer in the first place, or maybe you were just lost walking between portables and ended up here.

We appreciate your having come and spent the time with us today. We will be hearing from other students, but you are the first who have come and we appreciate your feeling you should come and express yourselves at the Legislature.

ONTARIO COALITION FOR ABORTION CLINICS

Mr. Chairman: Our next presenter is the Ontario Coalition for Abortion Clinics. Would you like to come forward and take a seat? I am sorry we are running behind, but I think the committee has been enjoying meeting people today. This is item 56, which has been circulated to the members.

Ms. Takacs: My name is Andra Takacs and I am a member of the co-ordinating committee of the Ontario Coalition for Abortion Clinics. To my right is Anne Brunelle, a member of OCAC, and to her right is Nicole Dicaire, another member of OCAC.

I would like to proceed by reading my brief and then we will entertain any questions you might have.

On behalf of the members of the Ontario Coalition for Abortion Clinics, I would like to express our appreciation for this opportunity to present our views on Bill 30, legislation designed to extend public funding to Catholic separate secondary schools in Ontario.

The Ontario Coalition for Abortion Clinics, or OCAC as we are also known, is a coalition of groups and individuals committed to women's reproductive freedom. We believe the right to decide when, whether and under what conditions to bear and raise children is essential to women's equality. We believe free and equitable access to abortion and contraception is also essential to women's equality.

OCAC feels that high-quality, free, comprehensive, tolerant nonsexist education, well adapted to the best interests of contemporary students, should be equally available to all. Because the

Roman Catholic Church so consistently opposes women's rights in these areas, separate schools should not be publicly funded.

We are greatly concerned that the separate schools present a very one sided and unobjective view of available methods of birth control and of abortion. Either not to inform students of the range of contraceptive methods or to teach strict church doctrine that only very restricted methods are allowable, ill prepares students for adult life. Such biased curricula and attitudes ignore the fact that many high school students are sexually active and that limited knowledge and access to contraception results in unplanned pregnancy. The trauma and anxiety of students in this situation is magnified in schools that decry abortion and deny that it can be an option.

There must be no public funding for separate schools that deny students access to balanced and nonbiased information and counselling on sexuality and contraception. This must recognize that abortion is one alternative to an unplanned pregnancy. It is possible that separate school teachers may feel uncomfortable teaching on issues on which they have strong moral beliefs. They should not be forced to act against their beliefs, just as they must not impose their values on others. Therefore, separate schools should organize programs in which outside speakers and counsellors from public health and other community authorities can come in and teach courses on sexuality and contraception.

There has been considerable public concern over access to the expanded separate school system for non-Catholic students and displaced public school teachers. The legislation seeks to ensure that neither students nor teachers will be discriminated against on the basis of religion. Especially for teachers, this protection must be expanded to apply not only to formal religious affiliation, if any, but also to teachers' views on issues the church defines as religious. Thus, teachers must not be denied employment on the basis of their personal beliefs on sexuality, contraception or abortion.

There can be little justification for such restrictions anywhere in a democratic society. They are intolerable in a publicly funded education system. Subsection 136(19) should be expanded to guarantee that Roman Catholic school boards cannot discriminate against teachers on the basis of their personal beliefs, including their views on sexuality, contraception or abortion. This protection should be widened beyond those designated by the public board to

guarantee freedom of personal beliefs to all teachers.

The separation of church and state is essential to the historical development of democratic political systems. You heard a lot about that today from the other presenters. In the current period, this tradition implies that separate schools receiving public funding must refrain from using these resources to publicize or support church political goals.

There have recently been disturbing reports that letters have been sent home with separate school students urging parents to attend anti-choice rallies, that school buses have been used for such events and that students have been encouraged—at times it would seem very strongly—by teachers and by announcements on school public address systems to join anti-choice pickets at the Morgentaler Clinic here in Toronto. It is not appropriate that publicly financed school facilities should be used to support a political goal of the Catholic Church leadership in regard to abortion. To receive any public funding, separate schools must guarantee that public resources will not be used in this manner.

Public funding should be available only to institutions that provide balanced and tolerant education on major contemporary social issues. In a pluralistic society such as ours, it is not acceptable that a publicly financed school system teach only the views of a minority on issues such as sexuality, contraception or abortion. This is especially the case when it is clear that the opinions and practices of Catholics are far from monolithic in these areas.

Accordingly, the Ontario Coalition for Abortion Clinics recommends that extension of public funding to separate schools be denied. We feel that because separate schools currently receive public funding, whether or not this funding is extended these schools must develop adequate programs to ensure that comprehensive information and counselling on the subjects of sexuality, contraception and abortion be devised by drawing upon public health care authorities.

We insist that the Catholic school boards must develop mechanisms to guarantee that teachers and students are not discriminated against for their personal beliefs and that they are not pressured to conform to church doctrine on the topics of sexuality, contraception and abortion. To receive any public funding, separate schools must develop mechanisms that guarantee that no publicly funded school facilities will be used to promote or facilitate anti-choice political activity.

4:30 p.m.

We also recommend that section 136t be revised so that the planning and implementation commission requires that Roman Catholic school boards include in their annual implementation plans mechanisms to ensure that balanced teaching on contraception, abortion and sexuality is available, that freedom of personal belief for students and teachers is guaranteed and that public resources are not used to support the political goals of the Catholic Church leadership.

Thank you for hearing our submission. We will answer any questions.

Mr. Chairman: You are coming at things from a slightly different angle, although some of the issues have been touched on by the committee already. I am sure it will provoke good dialogue.

Mr. Davis: I would like to thank the delegation for coming and making its views known on an issue that is important to our society.

The question I have is, if you suggest funds not be given to separate schools currently not fulfilling the requirements you list on page 4, would you also apply that to the public school system?

Ms. Takacs: We feel access to a balanced perspective on the issues with which we are concerned should be provided in any classroom or education system. So the answer is yes.

Mr. Davis: You are aware it is not done in the public school system in many jurisdictions.

Ms. Takacs: We do not feel the public school system, in its present character, is of as great concern as the Roman Catholic one. Its characteristics are well-known. Its position is very clear on abortion, contraception and the nature of personal sexuality.

Mr. Davis: Are you aware that under the Education Act a student in the public education system can ask to be exempted from taking classes that teach sexuality or birth control or whatever relates to that field if his or her parents decide that? If the student is more than 16, he or she can make that qualification.

Ms. Takacs: Yes.

Mr. Davis: If you suggest we should exert some kind of pressure within the legislative process to say teachers in the separate school system should not advocate students taking part in demonstrations at the Morgantaler Clinic, would you also apply that to the public school system, in which teachers urge students to become involved in the defence of teachers' rights? Bill 127 is a prime example of teachers

mobilizing the public to come to their defence in Metropolitan Toronto.

Ms. Takacs: The issue here is what the Catholic Church does, encouraging its students to further its own political goals. I think the example in Toronto in February 1985 is a perfect one. The Roman Catholic schools were busing students to the Morgantaler Clinic to participate in picketing. If such activities had been organized by the public schools in the Toronto region, if public schools were cancelling classes and encouraging students to demonstrate in support of the Morgantaler Clinic, there would have been a tremendous public outcry.

As a matter of fact, we believe there was one, protesting the actions of the Roman Catholic Church. There was a mass demonstration at the end of that one week of demonstrations. Thousands of people poured into the streets of Toronto complaining and very angry because the Catholic Church was trying to direct public policy in that way. I do not think any public education system should be meddling in politics in that direct manner.

Mr. Jackson: I was interested in the second recommendation, in which you refer to students. Do you have some specific examples of cases in which sanctions, discipline or even dismissal has been entertained by a separate board for a student who was at odds, let us say, on the issue you are here advocating?

Ms. Takacs: I do not think such an example exists at this point. I cannot imagine a student going up to a teacher and saying, "Actually, I am pro-choice." If you have ever been in a separate school, you realize it is simply not something you could do. If a young Catholic woman in a separate school chose to have an abortion, she would never make it public. She simply could not. It is hard enough for anyone to do that, but if she were in a separate school there is no way she could. So there is no way of knowing. Sanctions would not occur because no one would open her mouth. She could not.

Mr. Jackson: Therefore, the reason for including it was simply to broaden the case for fairness and equity.

Ms. Takacs: You can take recommendation 2 in the context of allowing non-Catholic students access to Catholic separate schools. As I read the legislation, it is up to the discretion of the Catholic school boards whether or not to accept non-Catholic students to their schools. We would argue that if that type of discretion is allowed, certain non-Catholic students who wish to attend

a Catholic institution and who happen to be very open in their approach to a pro-choice stance may not be allowed access to that school, and that would be discrimination.

This is speculative and it is also related to our concern that teachers are going to be denied access to teaching positions in separate schools on the basis of their personal beliefs.

Mr. Jackson: If I might pursue that: my thoughts, as I was trying to read between the lines on this, were not on the basis of access, because the restriction, as I understand it, is limited to space availability. However, once a student has gained access, and that student, for whatever reason, engages in a certain conduct, all school boards have the right to perform the three disciplinary actions which I suggested to you earlier.

As a former trustee, I know we have had to examine cases for "conduct injurious to the moral tone of the school." I just wondered if that was the area in which you were placing this suggestion?

Ms. Brunelle: Yes, that is what we are discussing here. If someone has an opinion that is different from that of the Catholic Church, that should not be a reason for expulsion or whatever schools do nowadays to students who go against their rules.

If a student is breaking up a desk, that is one thing. I guess that would be considered injurious to the school. However, if students happen to have opinions that differ from the Catholic Church that is not an acceptable reason for sanctions against them.

Mr. D. S. Cooke: This is a very difficult area you are discussing. We can use the example of the rally that was held in Toronto, where I think a number of us had concerns about school buses funded by the public and so forth being used. However, Mr. Davis raised the example of Bill 127. What if there was a discussion in the classroom about nuclear war and the peace movement? Is there anything wrong with a teacher encouraging his or her students to go to a demonstration for peace?

In recommendation 3, you are suggesting that no public facilities be used by any group that is anti-choice. What about public facilities being used by pro-choice supporters, or a policy for community use of schools, which is what most school boards have, that no matter what your beliefs are you should have equal access to a facility that is publicly funded? To me that would be a more reasonable recommendation: that the board would have a policy on community use of

schools that would apply equally to all groups, anti-choice, pro-choice, the peace movement or whatever.

Ms. Brunelle: I think we would agree with you there. Our concern is not whether an individual teacher says: "I happen to be anti-choice. We are having a demonstration and all of you who agree with me should go out." I would not like to hear of a child of mine being told that in school, but we cannot dictate what every teacher says and we should not try to.

The same applies to teachers who work in the peace movement. If they say: "There is a demonstration. If you agree with it, then it is a good idea to go." That would be acceptable. Also, if the school opens its classroom facilities or whatever to all community groups, there would be no problem.

The difficulty is using publicly funded things like public address systems announcing demonstrations and telling students they should go. I was told by a Catholic student from a separate school that this is how the students were told about them. They were told, "You should go; it is good for you." We are talking about buses more than anything. To use buses to send people to a demonstration is very expensive. To use buses for anything is very expensive. I disagree very strongly with using taxpayers' money, my money, for that purpose, and that is what the Ontario Coalition for Abortion Clinics is referring to.

4:40 p.m.

Mr. D. S. Cooke: I do not know how we deal with some of those issues in legislation without also covering other issues, whether it be the peace movement or other demonstrations that occur. We do not want to prevent teachers from engaging in discussions with students and encouraging them to participate in worthwhile community functions that get them thinking about issues of the day.

You take a difficult issue that you, among others, feel very strongly about—maybe your case provides us with a more black and white type of argument about school bus use and so forth—and I do not know how we could deal with this kind of thing in legislation without taking other people's rights away as well.

Ms. Takacs: The character of the Catholic school education is the basis of OCAC's opposition to the extension of public funding to Catholic schools.

Mr. D. S. Cooke: Your recommendations have implications for the public school system as well.

Ms. Takacs: You say the issue is the opportunity for students to receive a balanced education in which both sides of all issues are put forward. That is not done now in the Catholic school system regarding the issue of contraception and abortion. It is just not done. As the intention of Bill 30 is to preserve the present character of the Catholic school system, OCAC has to oppose it.

We want guarantees that the character of the system would be widened to include a more balanced perspective. If you have priests or nuns or devout Roman Catholics teaching in these schools who cannot in all conscience put forward another point of view, we can respect that. If that is the case, bring in public health officials to talk about these issues to students so the students receive a balanced perspective.

If the teacher says there is an anti-choice rally, students should also be told of pro-choice rallies. What we object to is the one-sided character of that education.

Mr. Chairman: Before we let you go, I would ask a question. As somebody who is known as being pretty strongly pro-choice and has attended those rallies because of strong feelings about what has been taking place at the rallies around the Morgentaler clinic, I have difficulty with your position on dictating to anybody what they should espouse and how they should go about it.

Busing may become a question but there was recently busing by a Catholic school on the issue of disarmament. I was delighted to see that. Although they are not on my side on the pro-choice issue I do not deny them the right to express that political view.

I have difficulty with the notion inherent in your suggestion, which is that there can be a clean separation of church and state in this matter, given our Constitution and the history of the last 150 years. History essentially says there is no distinction and that there are certain rights given to the separate system for passing on doctrinal views within the system.

Ms. Brunelle: You have hit the problem directly on the head. There is no division of church and state in the separate school system and there must be one. Granted the Constitution has guaranteed separate schools support at elementary levels. It is unfortunate but that is the way it exists. However, there is no guarantee for junior high or senior high in the Constitution—

Mr. Chairman: We do not know. That is about to be tested, I suggest to you.

Ms. Brunelle: Let us wait until it is tested. It was not written in the Constitution originally.

There has to be a division of church and state. That is what our democracy is based on. Otherwise those of us who do not espouse the Catholic religion or any other would not have proper democracy in a situation where a religion dominated.

Most of you are not Catholic so I am surprised you are willing to accept the notion that one religion can get that kind of funding for religious teaching. That is what it is. It is not just a matter of general education because they can get that in the public system. It is their religion for which they can go to Sunday school like everybody else.

Ms. Takacs: Not only that, when you bring the constitutional issue into the discussion, it should be pointed out that the political realities and the religious realities of Ontario and of Canada at the time of Confederation were vastly different from what exist now. Roman Catholics do not predominate in our society any longer.

Mr. Chairman: Any longer? They never have.

Ms. Takacs: There was an earlier perception they deserved special status. Now, with the very pluralistic society in which we live, that type of special status can no longer be. There could be an argument that because of the constitutional arrangement it should be maintained, there is no argument you can put forward that would advocate it should be extended. You could argue that constitutionally you have an obligation to maintain the system up to whatever level the Court of Appeal perhaps says there is a constitutional basis for, but there is no constitutional reason whatsoever to extend it, particularly given the political and religious realities of Canada today.

Mr. Chairman: I do not think it behooves me to get into a debate on this matter. There can be an argument made, however, that the reason this was put in was for the Protestant schools in Quebec primarily, that that is why the quid pro quo was put in; but the Constitution is often looked upon as a dead piece of paper to a lot of people and not a living thing.

Our Constitution in Canada is both written and unwritten. In my view, it is a mixture of the two and has been changing over the last number of years. The Constitution was just recently changed again; and the Charter of Rights may or may not impinge upon that, we will wait and see. The suggestion that the limitation on funding education was only for elementary is a legitimate perspective, but it is not necessarily accepted; nor is the other perspective, that the common-

base education was covered for both groups and that has been guaranteed.

Anyway, I am not supposed to do this; I am in the chair.

Are there other members who have questions or concerns they would like to have raised? If not, thank you very much. The matters of choice and values of the teachers moving into the system are weighing heavily on all members of the committee at this point, and will continue to do so. Thank you very much for your patience and for the time you have taken on the dialogue.

DOUG MILLER AND
DAVID MILLER

Mr. Chairman: Our next presenter is Mr. Doug Miller. Mr. Miller will be making his presentation from notes and not from a printed text, which will save the eyes of the committee members.

Mr. Miller, you have been watching how we operate. I encourage you to introduce yourself, make yourself feel at home and say what you would like to say. Then we will get down to some questions of clarification, etc.

Mr. Doug Miller: Thank you for having me here as an ordinary citizen coming to such an august group as you gentlemen are. It is part of the wonder of our democracy that an ordinary man, such as I, can come here and that you will even listen to me.

This date was fixed only last night, so I have no typed brief. I asked my son, who is a high school teacher, to drive me down so he is here. I am sure when I get outside I will be told of all the rubbish I have said. However, he knows what I am like when I make up my mind about something.

I am not an expert on anything. I came to Canada 20 years ago. Before that, I had experience of administration in education. I do not present that to you as a reason for being here, but only to say that I have an interest in education.

I have been following the argument which has been going on in the papers and on the air. I wrote to my MPP, Mr. Callahan, and received a nice letter from him in which he said that everything would be fine. I wrote to Mr. Timbrell and got a nice letter from him too. In general that letter also said, "Oh sure; everything will be all right."

4:50 p.m.

I want to share with you just briefly three points of difficulty that I seem to have, and would like you to answer them for me. First, as I see it, the question of finding places for teachers in this

upset is not a big matter. It is important, but it is not what I am asking about. I am thinking of the future, of down the road in a year's time, of the graduates from teachers' colleges.

If the separate school board is organized and elected in the same way it is now, Roman Catholic graduates from teachers' colleges would have a great advantage over those who were not Roman Catholic in finding jobs in the separate system. There can be no question about that. Even if there were no deliberate discrimination, you can imagine them coming with recommendations from priests, churches and families they know. That would give them an advantage, however you look at it.

Now, they still have the same advantage for jobs in the public schools. There is no loss there. They have two systems. In their own separate system they have a big advantage, and in the public system they are not giving up anything.

The graduates who are not Roman Catholics, who come from two thirds of the population, have the separate schools closed to them and in the public secondary schools they have to compete with those other folk. I am sure nobody in this room would say that is fair. I would not ask whether you think it is fair, because it could not be.

I would like to hear from you on this matter; I do not know how you are going to set about righting that wrong. The only way I can think of—I almost hate to suggest it because it is repugnant to me—is to institute some form of affirmative action to see that the number of Roman Catholics appointed in the public schools in some way equates to the number of non-Roman Catholics appointed in the separate schools.

That is repugnant to me, but if you do not do that we will have an injustice. Although we live in a country that is nonviolent—we thank God for that—I do not think anyone or any government should create injustice, because that creates frustration. When people are frustrated, you never know what the students might do. I hate mentioning that. That is the first point I want to make. My one recommendation is that if the school boards are not changed, affirmative action will have to be taken. I hate to mention that, but it is the only way I see it.

Before I make my second point, I want to point out something in terms of the rise of the ecumenical movement as we have it in this province and throughout the world today. At this very moment, the Roman Catholic Church is entering the Canadian Council of Churches as a

full member. These are wonderful things that have happened in our lifetime. I checked with the Ontario Secondary School Teachers' Federation. They tell me that from a scientific guess, more than 30 per cent of the teachers now in the public schools are Roman Catholics, and that many of them are not moving to the separate system. They are very happy where they are, many of them in communities where they serve the public schools and the parents, and there is no friction, no hardship. They are very happy there.

I am trying to suggest that as the public school is set up, today in Ontario we have members of other, non-Christian religions living together with us. I wonder why we do not see in the public school as it is currently organized a great ecumenical challenge and opportunity. I am seriously suggesting that we invite the leaders of all churches, Roman Catholic and others, to a conference and let them sit down together. Is this not the time to approach this in a new way? Why go back to things as they were in the last century? Prepare for the 21st century.

In the last century, relationships between Protestants and Roman Catholics were often prickly, were they not? That is not so today. There has been a change. I wonder whether students who have been to Roman Catholic high schools up to grade 10, coming to an ecumenical experiment, would be so vitiated. The logic of that is you would have to set up Roman Catholic universities and Roman Catholic training colleges since they cannot be exposed. But is it not a wonderful thing if they would? I am seriously saying that. This government should not push this thing through when it knows that millions of Christians do not want it.

The church to which I belong, the United Church of Canada, has seven conferences in this province. All of those areas are served by delegates from the little churches all over this province and from the cities. That accounts for thousands of delegates. Those delegates, in their meetings in May and June, made unanimous decisions begging this government not to press this thing forward at this time. I am speaking now of the little people, the ordinary, grass-roots people. They are asking you to consider an ecumenical experiment in education rather than go back to what things were 100 years ago. What about the ecumenical challenge? Is it hogwash or is it a reality?

Two days ago a gentleman from the Muslim newspaper spoke to you. I heard on the radio that he suggested we import students from the Third World. Suppose they came in and all the

Christian churches had their own schools. Suppose you had Anglican schools, United schools and Baptist schools and what have you, and these people came in. You would have to have a Muslim school and a Buddhist school. Where do you end all this division? Surely the time has come to approach the 21st century in unity and not in disunity and fragmentation.

I want to get quickly to my third point. It has to do with something I mention with trepidation, the interpretation of the British North America Act. I am not a lawyer. As a layman—and I am sure there are some lawyers here—my experience has been that any attempt to interpret the sacred literature of any religion, law or whatever in a literalistic and fundamentalist way, to carry out the letter of the law forgetting the spirit of it, would be an injustice.

We need to inquire about the historic context in which the BNA Act was created. At that time Protestant churches were prickly and so were the Catholic churches. We each thought the other was going straight down to the pit of hell, did we not? That is gone. We are living in a completely changed society. That law served one point of view then, but what is it serving today? I ask you as lawyers to consider that very seriously.

You may interpret it to mean that it implies the whole system. But is it just? I have pointed out some of the injustices I would like to hear you speak on in a moment when I am finished.

In turning to the ecumenical aspect, here are churches that want fellowship with the Roman Catholic churches. The Roman Catholic churches desperately want it, yet at the same time they are saying, "No, we want separate education all the way down."

I gather that, on average, 50 per cent of the money that supports schools in this province comes from the central Treasury at Queen's Park. Sixty-five per cent of the taxpayers are not Roman Catholic. That would mean 30 cents of every dollar spent by this new separate school would be taken out of the pockets of people who are not Roman Catholic and who do not want to pay. It is an ecclesiastical tax in truth and in fact.

I seriously suggest to Queen's Park that when we make up our tax returns, those people who do not want to pay an ecclesiastical tax should be given a tax credit. We could then save money on this to support our own schools. Those who want a separate school could pay an extra tax for this great privilege they would have.

That brings me to an end. I do not think I have disgraced you. Here are my three recommendations. First, concerning the appointment of

young graduates who are leaving college in the future, how would justice be given to them if the separate school is to have a board appointed as it does now? How would you do justice to those people?

5 p.m.

Mr. Chairman: To get things going, I will let the members respond to any of the matters you raise, but I did not notice anybody slinking under the table. I thought it was a wonderful presentation, and it came to the heart of a number of matters. The notion of an ecclesiastical tax—that is a wonderful turn of phrase—is one I like; that tickles me.

Mr. Jackson: I want to assure Mr. Miller that if his son is half as articulate as he is, his students are enjoying quite a privilege.

Mr. Doug Miller: Pardon? What is that?

Mr. Jackson: If your son is half as articulate in the classroom as you are, his students are going to benefit greatly from it.

Mr. Doug Miller: Thank you for that.

Mr. Chairman: Do you want to deal with the first point? I was going to leave it open for you to choose your points.

Mr. Timbrell: I am trying to remember what I wrote to you.

Mr. Doug Miller: I have it here.

Mr. Timbrell: I want to assure you that the points you raise are taken very seriously. I know some people have some difficulty with the notion that we are 11 MPPs who, on the one hand, can stand up in the House and vote in principle in support of the bill and then, when it gets into committee, start to question it.

I do not have any difficulty with that, nor do any of us who understand the process, because there are many things on which we can agree in principle but when it gets down to how and the implications of the principle and trying to address those implications, that is often where the rubber hits the road. Such is the case with this bill. There are questions with respect to access, teachers' and students' rights, financial implications, both provincially and locally, and so forth.

Your points, as I say, are very well taken. I am not sure we are likely to recommend an ecclesiastical tax.

Mr. Doug Miller: You have not come to that yet. The point I am making is about this question of the appointment of teachers.

Mr. Timbrell: It is one of the important issues. In fact, only yesterday I asked for some legal opinions to be prepared for us on the extent

of the discriminatory hiring practices of Roman Catholic school boards as to whether they are limited to the elementary panel or whether, by extension, they are allowed in the secondary panel. If they are not allowed in the secondary panel, we have to ask ourselves as a committee the very questions you have posed about whether teachers in the secondary Roman Catholic schools, now and for all time, should be discriminated against on any grounds.

Mr. Doug Miller: That applies to the typists, the fellow who cleans the toilets and everyone else employed to do those jobs.

Mr. Chairman: They have different rights, however, under the present interpretation of the Constitution, than do teachers; and that is the question we need to deal with, as Mr. Timbrell says.

Mr. Timbrell: In fact, I had another letter from you yesterday; I do not know whether it was in answer to my letter or—

Mr. Doug Miller: Not quite. You assured me in a general way, but you did not answer specifically this question I asked you.

Mr. Timbrell: Politicians are wont to do that. At least I wrote you.

Anyway, I want to say again that some people look at the committee process and say: "Why bother? They have already said they support this move in principle." There are lots of reasons to bother. The issue is by no means settled, inasmuch as there are many particulars on which we may very well divide in this committee when the day is done and when we have heard from all citizens and groups who have concerns and points of view to contribute.

Mr. Doug Miller: My second point is to suggest that the Premier (Mr. Peterson) and the leader of the New Democratic Party should approach the leaders of the churches in this province and ask them to consider the possibility of an ecumenical approach to grades 11 and 12 rather than having a sectarian or denominational approach. I wonder if the time has not come now to sit down with the teachers and ask if there is that possibility.

I have read so much in the press about lifestyles. You would almost think every high school teacher was living common law or was a homosexual or something. It should be played down and not given all the prominence that is given to it.

I recommend that the Premier and the Minister of Education (Mr. Conway) approach the leaders of the churches to see if they would consider an

ecumenical approach to grades 11 and 12 in a unified board. I have worked on a unified board with Roman Catholics in another country, and it was very successful; we had no problems. I cannot see why it could not work here.

Mr. Timbrell: Considering that the Premier is content to operate an ecumenical government, your point may be very well taken.

Mr. Doug Miller: That is a different thing entirely.

Mr. Chairman: It would be a difficult thing for the committee to instruct or even to request that the leaders do so. One of the practical difficulties would be that in a sense the move towards this extension has been, as you mentioned, the result of the long-standing desire of the Catholic church to have full extension. With that interest finally being given legislative power at this stage, it seems unlikely that one of the major players would want to participate in that ecumenical gathering you want, since its avowed interest has been in this extension and not in the other. On your behalf, I would be glad to raise the idea with the two leaders and see whether they would be interested in following it up.

Mr. Doug Miller: My last point is, in all seriousness, that on our income tax returns those of us who do not wish to pay an ecclesiastical tax should get some reduction in the taxes we pay to make sure that those who wish this facility will pay for it and not the rest of us who do not want it.

Mr. Chairman: Mr. Allen is going to try to answer that.

Mr. Allen: I will make a stab in that direction. I guess you are not going to insist that I ask questions; can I respond to the statements today?

Mr. Chairman: As long as it is not too long.

Mr. Allen: I do not think you wrote me a letter; so I do not have any tracks to cover.

Mr. Doug Miller: No, I did not.

5:10 p.m.

Mr. Allen: I appreciate very much your remarks about ecumenicity in education. One of the intriguing things about recent history in Ontario is that the stature of the Catholic school system has expanded alongside this interesting growth in ecumenical relationships. From some people's point of view, that seems to be very contrary; in point of fact, in our time it does not seem to be so. Such are logic and history; they do not always mix and meet.

In regard to your suggestion of an ecclesiastical tax, it is worth bearing in mind when making that proposal that the Catholic population that has

desired and paid for its own education probably contributes more to the public school system. It pays for the education of other people's children beyond what one would normally think would be just. The reverse is not the case.

In regard to property tax levels, individuals divide their taxes between the separate and public panels. When it comes to commercial and industrial assessments, by far the vast majority of those assessments go to the public system, partly by legal arrangement, partly by virtue of the fact that it is very inconvenient and difficult to determine the balance of Catholic and non-Catholic shareholders in large public corporations, and partly because nobody ever pays any attention to the work-force balance in those corporations. A lot of Catholics who are workers and produce the wealth of those corporations are not considered in the pattern of distribution.

There are some provinces, such as Saskatchewan and Alberta, where the commercial and industrial assessment is divided in relation to the proportions of the two school systems; so at least there is some rough justice in the designation of public moneys at that level.

When you come to the provincial component, the figures appear to vary between 38 per cent and 46 per cent for the contribution by the provincial government to the cost of public education in Ontario. That money is designated on a per-pupil grant basis. One can broadly assume that the proportions of pupil population in relation to the population at large, with respect to religious affiliation and school system designation, are roughly comparable. Therefore, not a lot of your money goes into the Catholic system or vice versa. If a balance were struck, the Catholic parent would probably be paying more than his or her share of education funding in Ontario.

Mr. Chairman: That is a good shot at it, Mr. Allen. Does that help? At the moment it looks as if the balance is in the other direction.

Mr. Doug Miller: Yes. I can see there is some point there, but at the same time it does cost more to run two separate educational systems than one.

Mr. Allen: We all bear the burden of our history.

Mr. Chairman: Yes.

Mr. Doug Miller: But to say the Roman Catholics are contributing to ours is not quite correct, because they are creating a very great expense by wanting to run everything separately; it is very costly.

Mr. Chairman: Mr. Jackson has something he wants to add or to ask.

Mr. Jackson: It is on the tax question. This is a serious thing, because I have had about a dozen inquiries from my constituents specifically asking, "How do I prevent my taxes from being transferred?" I do not know of anyone who has been able to respond adequately to that specific statement. Mr. Miller at least has come forward today with a suggestion; so for that we thank him.

Mr. Doug Miller: You will admit that this is an ecclesiastical tax being paid to one church, however you look at it. It is bound to be that; one church is getting a special privilege that no others are getting. If that is so, those of us who support the public school should have some special gift given to our children if this gift is given to theirs. I would suggest that, as a special gift, there should be three years' free university education to all public high school children.

Mr. Allen: A free university education for all?

Mr. Doug Miller: If you are going to give all this to one church, then you should give the rest of us something to compensate for the great gift we are giving over there.

Mr. David Miller: I want to close by asking one question of the committee. In the last election, we were told this was a nonissue; the decision was made and it was not an issue. However, I sense a lot of people in the population are against this funding.

Your vote in Queen's Park was 119 to one. For the first time in my life, I feel completely cut out of the democratic process. There is not one of you people, except one person, who is espousing the view of a large number of people. The last poll I saw said somewhere around 46 per cent of the people were against the funding, but 119 of you gentlemen here, and every one of you in here, have come out and said you want it.

Where are people such as myself going to find some political outlet? We have nobody who will speak for us. You are all saying, "We voted for it, and we are going to find the best way to put it in." I respect you for trying to do that, to soothe my pain if I am against it, but how has it come about that 40 per cent or 50 per cent—I forget what the percentage is—of the population is not being represented by anybody except one person?

Mr. Timbrell: I was reminded earlier today of another issue in my 14 years here where we had party unanimity that caused a lot of people a lot of grief. I suspect it is an issue you know something about; it was in 1974-75 when all the parties agreed to support Bill 100, giving teachers the

legal right to strike. There were many people who felt disenfranchised at the time because there was no party in the House that was prepared to say no.

There are times when the parties do agree in principle on issues of the day, but we will then differ on the particulars of how to arrive at the conclusion of the principle. That is what we are doing here.

Mr. Doug Miller: I do not like to mention this, but I know that I and dozens of us changed our vote in the last election because of this very bill. We felt the party we always voted for had let us down, and we changed our vote.

Mr. David Miller: That was a negative thing, however. We had nobody to vote for. We had great debates. Do we vote for the Tories, who brought it in? I always voted Tory, but I said, "No, I will not do it." Do we vote for the NDP candidate? My local NDP man in Brampton was against funding. What a problem I had.

Mr. Timbrell: So you had an opportunity?

Mr. David Miller: It was unclear. For instance, the local Progressive Conservative guy, Jeff Rice, changed and changed back. We were not sure where we were going. In the end, we decided we were going to vote Liberal, because that was the only way to bring about change. We thought that if it were a close election, and the Liberals were quite high, we could end up with the NDP dethroning the PCs, which is what happened. However, that was a negative way; there is no positive way—

Interjections.

Mr. Chairman: The frustration has been expressed by others, and the best we can do at the moment as a committee is say we want to provide you with the voice to express these points of view, to do your best to dissuade those of us whom you think you can dissuade and to give it your best shot.

Let me say that I cannot imagine a better way for us to have ended our first full week of hearings. I thought it was a great, stimulating, energetic and passionate presentation. We are very pleased you were able to come before us. Thank you very much.

For members, I suggest you take everything with you. We cannot guarantee that the room will be locked over the weekend. If you have not put in your expenses, please do so in the next little while.

Mr. Epp: Who is going to be here on the weekend?

Mr. Chairman: We are not sure. It is just that we cannot guarantee the security of the room over the weekend.

We will see you back here on Monday for a full week's schedule.

Mr. Jackson: Are any evenings confirmed yet?

Mr. Chairman: Not at this point; no evenings as yet. We will reconvene at 2 p.m. on Monday.

The committee adjourned at 5:18 p.m.

ERRATUM

The following erratum refers to second-reading debate of Bill 30.

| No. | Page | Column | Line | Should read: |
|-----|------|--------|------|--------------------------------------|
| 18 | 670 | 2 | 56 | (Mr. Sterling), are without context. |

CONTENTS

Thursday, July 25, 1985

| | |
|---|-------|
| Education Amendment Act , Bill 30, Mr. Conway, adjourned | S-363 |
| Adjournment | S-396 |
| Erratum | S-397 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
 Davis, W. C. (Scarborough Centre PC)
 Epp, H. A. (Waterloo North L)
 Guindon, L. B. (Cornwall PC)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Offer, S. (Mississauga North L)
 Reycraft, D. R. (Middlesex L)
 Timbrell, D. R. (Don Mills PC)

From the Ministry of Education:

Graham, Dr. J. R., Director, Research and Information Branch

From the Commission on Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario:

Thomas, R. A. L., Executive Director

From the Kirkland Lake Board of Education:

McChesney, I., Trustee
 Mino, J., Trustee
 Yakubowski, J., Director of Education and Secretary-Treasurer

From the Ontario Coalition for Abortion Clinics:

Brunelle, A.
 Dicaire, N.
 Takacs, A.

From the Ontario Public Service Employees Union, Local 595:

Cline, N., Executive Member
 Weisleder, B., President

From the Pope John Paul II Secondary School Student Council:

Correa, A.
 Iannuziello, T., Vice-President
 James, J., Past President
 Jno-Baptiste, A., President
 Pariaug, C.
 Miller, David, Private Citizen
 Miller, Doug, Private Citizen



Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Monday, July 29, 1985

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Substitute: Ward, C. C. (Wentworth North L) for Mr. Smith
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday, July 29, 1985

The committee met at 2 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the meeting to order. Mr. Ward, welcome to our company. I presume you have been reading all weekend long to try to get caught up with the rest of us. The summary of last week's presentations will be available some time this afternoon, but because of the size, especially of the Ontario Secondary School Teachers' Federation brief, it is taking a little longer to pull it together this week, which is totally understandable.

I hope the steering committee will be able to find the time to meet tomorrow to look at a couple of matters. Perhaps it could be over the lunch hour. We could check it out with the members at that point.

CANADIAN UNION OF PUBLIC EMPLOYEES

Mr. Chairman: There are a number of presentations this afternoon, the first from the Canadian Union of Public Employees. It is the blue exhibit 69 that has been distributed. Perhaps the representatives of CUPE can come forward and meet the committee.

Do you have enough chairs? If you would like an extra chair, it can be brought around or you can bring up one from the audience. The only thing you will have to be careful of is to speak into the microphone in front of you if you want to be picked up for Hansard.

Terry O'Connor, secretary-treasurer, has been here before and knows how we operate. We will basically hear you out. Make your presentation in any way you want and then we will open it up for questions. Perhaps you could start by introducing your group. You know who we are because we have our names here, but we do not know who your brothers are. If you will let us know who they are, we can proceed from there.

Mr. O'Connor: Thank you for the opportunity to be here. I will introduce the delegation. On my far right is Len Byrne, from our Ontario education institutes co-ordinating committee, which is a jurisdiction of the Ontario division of

CUPE; John Calvert is a research officer from our national office; Dave Foley is a member of our legislative committee from the executive board of the Ontario division; and Jack Kirkby is co-ordinator of the Ontario educational institutes co-ordinating committee.

I would express regrets that our president, Lucie Nicholson, could not be here. That does not mean we downgrade the importance of this presentation. It is just one of those things that she could not be here.

I would like to read through the brief with you, and highlight a couple of points.

The Canadian Union of Public Employees would like to express its appreciation to the legislative committee for providing us with an opportunity to speak to you today. The legislation you are considering will have a profound impact on approximately 16,000 CUPE members who work in both the public and separate boards of Ontario.

We list the classifications that we represent: caretakers, secretaries, teachers' aides, trades personnel, library aides, draftsmen, technicians, community relations officers, bus drivers, mechanics, cooks, cafeteria workers and a number of others.

In February we presented a brief to the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario. I supplied you with copies of that brief. You probably already have them. In any case, there are a number of copies there.

In that presentation, we provided detailed information about the membership we represent across the province. We also attempted to identify the key issues which would affect our members as part of the implementation process. We are providing you with copies of that earlier brief and hope that you will take into account some of the concerns expressed in it, as well as those we are going to address today.

Our brief today is divided into a number of sections. First, we go through the proposed legislation on a clause-by-clause basis, focusing our attention specifically on issues affecting our employees. We have made a number of suggestions for revisions to the draft legislation.

In the following sections we deal with several issues which are not addressed in the legislation but which we feel should be included. Finally, we have included a summary of our main recommendations that were in the original February brief.

If there are any questions about our presentation we will be pleased to address them, either in the discussion or by written response if you think that is appropriate.

We will now deal with the detailed analysis of the relevant sections of the legislation. If you have your copies of the legislation, you will see that we address specifically section 1361 which deals with the issue of staff displacement from the public boards.

Subsection 1361(1) requires the public boards to designate the persons it will not require on its staff, according to guidelines established by the planning and implementation commission. Such designations will occur each year over a 10-year period.

The union is concerned that the proposed bill does not specify the basis upon which public board employees shall be designated. This is left to the planning and implementation commission to decide. It is our view the legislation should establish the principle of seniority as the basis for this designation, qualifications permitting.

The public board, in each coterminous area, should draft a list of employees to be displaced. Employees with the least seniority should be the first employees to be transferred.

The principle of seniority should be of particular relevance in determining the persons to be transferred when two or more public boards share the same coterminous area with a single separate board. In this case, a coterminous-wide list of positions should be drawn up and employees transferred on the basis of their coterminous-boards-wide seniority.

The reason we are concerned that this be incorporated into the legislation is that we feel job security in the public school system should increase with the length of service; hence, it would be unfair to require long-service employees to transfer while those with shorter service were permitted to remain.

A second reason is to ensure that public board employees, who happen to be Roman Catholic, are not subjected to undue pressure to transfer. The problem with the voluntary system is that it may end up not being very voluntary because various pressures are placed on the Roman Catholic employee to transfer. Roman Catholic employees have the same right to remain in the

public board as persons of any other faith. The only fair system, then, is one based on length of service, qualifications permitting.

In addition to designating the employees to be transferred on the basis of seniority, we believe the legislation should place an obligation on all boards in a coterminous area to consult with the unions affected.

2:10 p.m.

There are a number of reasons for this request. First, the respective collective agreements will be affected by the transfer of employees from one board to another. As party to these agreements, the union should have a right to a say in decisions affecting its members.

Second, because there are no direct relationships between a public board union and a separate board, and vice versa, it is quite possible the organization that represents employees transferring from one board to another could be bypassed or ignored. The employee, therefore, would have no representation. Moreover, other employees in the bargaining unit would not have any way of voicing their concerns.

Accordingly, we are requesting that the certified unions or employee associations representing employees affected be given the right of being consulted with respect to decisions on staff transfer and related issues.

Subsection 1361(3) provides for the Roman Catholic school boards to offer employment to displaced employees from coterminous public boards. We agree the legislation should set down this requirement; this obligation should be clear and unequivocal.

In addition to this requirement, we believe it should be required that they accept not only employees "in substantially similar positions," but also employees who could reasonably be expected to fill the vacancies available given a suitable training period. The provincial government should provide funding for retraining for displaced employees of the public system so they can be employed in coterminous separate schools.

Subsection 1361(4) permits a Roman Catholic school board to hire other persons to fill positions if "no designated person in a substantially similar position accepts the offer of employment or if there is no such designated person." In addition to this restriction, we feel another one is also required. It is that there be no contracting out of nonteaching positions during the period of implementation.

Our concerns on this issue were raised in our submission earlier this year to the planning and

implementation commission. Briefly, we believe contracting out could easily be used as a means of circumventing the transfer process. A separate board which decided to contract out cleaning and maintenance of newly transferred high schools would require few or perhaps no new employees. Displaced caretakers and maintenance personnel from the public boards would be subject to permanent layoff as there would be no positions in their classifications available in the separate boards.

I will stop at this point so Mr. Calvert can give you an example of what we are talking about regarding the contracting-out situation.

Mr. Calvert: We have already had some instances of this happening right here in Metro. We understand there is a high school that was formerly part of the Etobicoke public school system which is in the process of being transferred to the Metro separate school board. Alderwood Collegiate is the one.

We also understand the separate board is considering contracting out the caretaking and maintenance positions in that high school. If that were done across Metro with all the other Metro boards, it would mean there would be no positions available for displaced employees from the public boards.

We raised this issue before with the planning and implementation commission. It has not been dealt with in the legislation and is now a problem, as we anticipated it would be, therefore, we feel we need legislative protection in this area. It is extremely difficult for us, if we represent workers in the public boards, to negotiate with the separate board that is doing the contracting out. There is no direct relationship. We will go into that point a little later in the brief.

To make sure the process of transfer works appropriately and as intended by the legislation—and as has been committed to us—it is a major priority for us that there be a restriction on the ability of separate boards to contract out non-teaching positions throughout the period of implementation.

Mr. O'Connor: Subsections 136l(6) and (7) address the problems of employees who cannot be placed in the coterminous separate board. We think the idea of maintaining a master provincial list is sound. We feel there should be something further, however. Displaced public employees who cannot find employment in the coterminous separate board should be given priority with respect to hirings in other boards, both separate and public, throughout the province. Positions becoming available in other boards should be

offered to any employee on layoff anywhere in the province.

With respect to subsection 136l(8), we have a concern that the use of the word "solely" unduly limits the employee's rights with respect to transfer. It implies termination would be acceptable, even if the reason were largely or primarily a consequence of the shift in students from the public to the separate system. In our view, it should be deleted.

Subsection 136l(9) indicates a separate board has an obligation to offer only one position to an employee. We think this provision should be made more flexible. If a separate board was hiring a large number of custodians, for example, it should be required to permit an employee at least one refusal. For example, an employee living in North York might be reluctant to take a position with the Metro separate school board in Etobicoke if he knew there were also positions coming up in the North York area.

Subsection 136l(10) red-circles the salary of a transferred employee for one year. We disagree with the one-year restriction. The higher salary should prevail until the rates of the separate board catch up. There is no logic to a time limit.

Subsection 136l(11), which deals with seniority, is desirable and we hope it will be retained in the legislation. For clarification, we assume the transferred seniority would apply as if the employee had worked for the separate board for the same period. Thus, it would apply to all negotiated rights and collective agreements as well.

Subsections 136l(12) to (16) address the issue of the transfer of sick leave. We believe there should be special provisions for those situations where the separate board does not have sick leave plans but rather a weekly indemnity plan or other coverage which does not provide full salary. The transferred employee should be able to top up the coverage provided by using part of a sick leave credit. Thus, if the separate school plan provided 66 2/3 income replacement, the transferred public board employee could use one-third of a credit to top this up to 100 per cent of income.

Turning to subsection 136l(19), discrimination: we are concerned the legislation says only "discriminate on the basis of creed with respect to employment." We think a much wider, more comprehensive approach to discrimination is required and we outline our definition of discrimination in our submission to the planning and implementation commission. It reads as follows:

"No discrimination: where employees are transferred from one board to another there shall be no discrimination on the basis of religion, age, race, colour, ancestry, national origin, political affiliation or activity, sex, sexual orientation, marital or parental status, family relationship, place of residence, handicap, nor by reason of membership or activity in the union. This provision shall apply both in respect to the transfer and to the employee's subsequent terms and conditions of employment with the new employer. There shall be no time limit on the application of this provision."

Subsection 136l(21) deals with the Human Rights Code. We agree employees transferred from the public to the separate board should have the full protection of the Human Rights Code but we are concerned the proposed legislation might limit the application of these rights to 10 years. There should be no time limit.

Section 136m deals with the establishment of an arbitration process to address disputes among the parties affected by the decision to expand the school system. We support this but would like to raise some concerns.

One is the definition of a party. We are concerned that "party" be so defined that a union or employee association can take an issue to arbitration as well as an individual employee. This would permit something analogous to a policy grievance in labour relations.

We believe a union or employee in a public board should have the opportunity to take a decision made by the separate board to arbitration. The wording implies this but we want to ensure this right is included in the legislation.

There is nothing in the bill which deals with the costs of arbitration. We believe the planning and implementation commission should be provided with funds to pay for all reasonable expenses.

2:20 p.m.

Subsection 136a(1) deals with student access to Roman Catholic separate schools and public boards. It is our view that access to either system should be a right of all students. Administrators in either system should not have the power of being gatekeeper to their respective systems. Our reasons were given in more detail to the planning and implementation commission in February. Aside from the rights of pupils to have access to both systems, each system should provide the full range of programs. In part, this is to ensure public boards do not become the boards of last resort. We are also concerned that public boards are not saddled with all the expensive vocational

programs while the separate boards are permitted to focus largely on academic programs.

Subsection 136o(6) to subsection 136o(15) deal with the right of non-Roman Catholic students to be exempted from religious exercises. It is our view such exemptions should be permitted to those who request them. They should not be limited by the requirement of the pupil having to prove that he or she cannot reasonably attend a public school.

Pensions: one of the issues we addressed in some detail to the planning and implementation commission was that of the need for amendments to the existing pension legislation in Ontario. The implementation of full funding will result in a significant number of redundancies in some of the public boards in the province. In addition to transferring employees from public to separate boards, we feel options should be provided to employees near retirement age such that they are able to retire with full pension and with benefit coverage between the age of retirement and 65. This is one area of the bill we feel needs to be improved.

At present, the Ontario municipal employees retirement system plan provides for retirement with unreduced pension after the 90 factor is reached. The 90 factor is based on a combination of age and years of service. If an employee takes early retirement and does not have the credits equivalent to 90, the pension is accordingly reduced. It is our view that amending the 90 factor so that employees could receive their full pension before reaching the age of 65 will alleviate the need for transfers of employees from the public to the separate boards in certain situations. In others it would reduce the number of employees to be transferred.

Another impediment to early retirement is that employees are not covered by the normal employee benefit package if they choose to retire early. The loss of extended health care, dental plans, payment of Ontario health insurance plan premiums and the like constitutes a major deterrent to employees retiring early, especially since many of these benefits also cover the spouses and families of the employees concerned. Provision for full benefits until the age of retirement for employees who choose early retirement is urgently required to facilitate this process.

A final deterrent to early retirement is that under certain provisions of the OMERS plan, employees are or have been able to purchase past-service credits. In a number of cases, this has proved to be so expensive as to deter

employees and employers from buying past-service credits under the OMERS type 1, past-service, optional-service formula.

To clarify the preceding points, an employee who retires must have 35 years of regular service and be age 65. The early retirement provisions provide for an early retirement if you reach the 90 factor. This provides an unreduced pension based on the years of service the employee has invested in his or her school board. The factor provides for a pension that is unreduced in relation to the number of years of service the employee has, i.e. two per cent per year.

Where employees fall short of the 90 factor by one or two years, we feel there should be an arrangement whereby the employer would cover their salary for that one- or two-year period through a salary contingency arrangement. We believe the provincial government should provide school boards with the funding to make this possible.

It should be remembered that if this arrangement of early retirement is to work successfully, there must be a clear incentive to the employee. Employees are very unlikely to take early retirement if they know it will cost them substantially in future pension entitlements and also in the loss of benefits during the period before they reach age 65.

Part of the problem is that the province historically has been reluctant to reduce the 90 factor to a more reasonable arrangement, namely 85, that would go a long way towards addressing some of the issues we have raised. Amendments to the relevant pension legislation that would provide for an unreduced pension once the 85 factor were reached would be a highly desirable way of providing an incentive to early retirement for many school board employees.

Employees must not subsidize full funding through lower wages and benefits. The Minister of Education (Mr. Conway) has estimated the cost of full funding will be \$80 million in the first year, \$130 million in the second year, \$150 million in the third year and \$150 million per year until the process is completed. These are substantial sums.

The Premier (Mr. Peterson) has also indicated he favours a policy of fiscal restraint or fiscal conservatism. When these two positions are put together, it seems to us one of the ways in which full funding can be paid for is to reduce the real incomes of all those employed by both public and separate school systems. To put this another way, part of the \$150-million annual cost of full funding may well come from paying the employ-

ees substandard wages and providing them with substandard benefits and conditions of employment.

There is a general consensus that the changes introduced on June 12, 1984, by then-Premier Bill Davis will lead to a more costly program of education for the taxpayers of Ontario. While as a union we have not expressed opposition to full funding, we are adamant that the province provide adequate funding in support of this decision. We are also concerned that the public school boards are not squeezed of funds as a consequence of this decision. In our view, there will be a quite understandable tendency on the part of the government to try to transfer some of the real costs of its decision down to local school boards by providing them with inadequate funding for the transfer process.

We note there is no special funding established in the legislation for paying either public or separate schools for the additional cost of the transfer process, nor have we heard any announcements from the Minister of Education as to additional funding being provided specifically for the transfer process. It should also be recognized that the cost of running many of the public school programs will increase on a per pupil basis as the size of those systems contracts.

Given that the public boards are required to provide a full range of programs and given the expectations parents will quite rightly have that these programs should be offered with the same standards as in the past, we are concerned that the province has not provided special funds to help the public boards deal with these matters.

The public schools will also face other problems. For example, employees they designate as surplus may have qualifications different from those required by the separate boards. This mismatch will result in the public boards being saddled with the difficulties of layoff unless the separate boards are required to accommodate all staff made redundant and adjust their programs accordingly. Funding should also be provided to assist both boards resolve such problems.

Concerning the need for a study of bargaining structures, in our brief to the planning and implementation commission we pointed out that the present industrial relations structures make it extremely difficult for unions and other organizations representing employees to do their job properly. A local union representing employees in a public board has no direct relationship with the separate board that may be accepting its members. The separate board is not required to

recognize or negotiate with the union, and the converse also applies.

The present bargaining structures place major obstacles in the way of unions attempting to represent their members' interests in the transfer process. We believe a major provincial study is required to investigate the feasibility of new bargaining structures within coterminous board areas.

We do not have a specific model in mind, but there is a case for looking at an umbrella body to deal with labour relations issues through a coterminous board area. This would facilitate the transfer process and address the problem noted above, that we cannot negotiate with boards that are not employers of the employees we represent.

We have attached here our recommendations on implementation. These are the recommendations we put into our brief last February. In going through them, you will note a number of them have already been put into the legislation, which we are pleased to see. We will go through them—and those that have not been put into legislation, of course, we feel should be.

1. No layoffs: the province shall guarantee that no employee in the public or separate school systems shall lose his or her employment or suffer a reduction in the terms and conditions of employment as a result of the decision of June 12, 1984, to fund the separate schools to grade 13.

2. Right of displaced employees to be transferred to coterminous boards: the province shall require the separate school boards to accept the transfer of displaced employees from coterminous public boards. In the event employees are displaced from the separate boards, the province shall require the coterminous public boards to accept their transfer. Where displaced employees are not provided with employment in the coterminous boards, they shall have the right to transfer to other boards in the province. Appropriate legislation to facilitate this process shall be enacted by the provincial government.

2:30 p.m.

3. No new employees: no new employees shall be hired by separate or public boards until all displaced employees have been provided with positions in other boards fully equivalent to those from which they were displaced.

4. No contracting out during the period of implementation: to ensure that displaced employees are transferred to available positions in the coterminous board, there should be no contracting out during the implementation period.

5. No discrimination: where employees are transferred from one board to another, there shall be no discrimination on the basis of religion, age, race, colour, ancestry, national origin, political affiliation or activity, sex, sexual orientation, marital or parental status, family relationship, place of residence, handicap, or by reason of membership or activity in the union. This provision shall apply with respect to both the transfer and to the employee's subsequent terms and conditions of employment with the new employer. There shall be no time limit on the application of this provision.

6. Human Rights Act to apply: employees transferred from the public to the separate school system shall retain all rights under the Ontario Human Rights Code, including the right to appeal to the Ontario Human Rights Commission in cases where they feel they have suffered discrimination as defined by that legislation. There shall be no time limit on the application of human rights legislation to such employees.

7. Coterminous board seniority: transfers of employees shall be made on the basis of their coterminous-boards-wide seniority. The public boards shall compile a list of all staff to be transferred to the separate school board. The separate school board shall compile a list of all staff to be transferred to the public school board. The list shall indicate the qualifications, job classification and seniority of each employee. Preference in transfer shall be given to employees from this list according to seniority.

8. All employee rights and benefits to be transferred intact: all employee rights and benefits enjoyed at present shall be transferred in full when employees transfer from public to separate boards or from separate to public boards. Higher wages and superior provisions shall be retained.

9. Seniority to continue: the accumulated seniority of employees shall be transferred in full when an employee transfers from one board to another. Transferred employees shall be credited with their previous service as if they had been with the new employer for that period. They shall enjoy all rights and benefits that would be enjoyed by existing employees with the same period of service.

10. Retraining: where the skills and training of displaced employees are not appropriate to the positions available in the other board, funding shall be provided by the provincial government to enable displaced employees to acquire the appropriate skills to be re-employed. Displaced employees shall be entitled to the full training costs, including salary, benefits, tuition and

other expenses, where such training cannot be carried out on the job by the new employer. The new employer shall be required to hire displaced employees without appropriate qualifications where they can qualify after suitable training.

11. Union consultation and access to information: coterminous public and separate boards shall be required to negotiate with all relevant unions, teaching and nonteaching, with respect to all aspects of staffing changes. No decisions shall be implemented without the express agreement of the unions involved. The unions shall be given copies of impact statements, plans for secondary school programs for the Roman Catholic separate school boards, financial statements, briefs prepared by the school boards for the commission and all other information relevant to staffing changes.

12. Full range of programs to be required of Roman Catholic separate school boards: a condition of providing full funding to the separate schools is that they be required to offer the full range of programs required of the public school system.

13. No funding cuts: to preserve the standards of our educational system, the province shall reverse its policy of systematically reducing its share of educational funding. Over a 10-year period, the province shall increase its share of funding to bring it back to the share provided in 1975.

14. Additional funding: the provincial government shall establish a special fund to pay for all the additional costs associated with the June 12 decision. Such funding shall be in addition to the normal transfer of funds to school boards in the province. School boards in both systems shall be able to draw from this fund to cover all expenses associated with changes resulting from the decision to provide the separate boards with full funding up to grade 13.

15. Early retirement: the commission shall recommend to the government that incentives be provided in the short term to encourage early retirement through early retirement incentive plans, reduction or elimination of the penalties for retirement before the 90 factor is reached, making easier the purchase of past-service and related experience credits; funding to facilitate the continuation of benefits for early retirees.

16. Monitoring process to be established: the commission shall compile and analyse data on staffing changes, financial arrangements and other matters associated with implementation as a method of monitoring the effectiveness of the arrangements put in place. Such data and

analysis shall be available to the public and to the unions involved in the process.

17. An appeals procedure to be established: the commission shall establish an appeals procedure and an appeals board. This procedure would be available to employees and/or unions who felt their board had not acted properly with regard to the implementation of staff changes or other personnel matters associated with the implementation process. A wider appeals board to deal with the concerns of parents, community groups, etc., might also be appropriate. However, we think there will be a need to have specialized expertise with respect to labour relations issues.

18. Bargaining structures to be studied: the commission shall establish a committee to study bargaining structures in the public and separate school systems. This committee shall request submissions from various parties and examine the benefits or drawbacks of coterminous, regional and provincial bargaining arrangements. The Jackson commission recommendations may be appropriate here.

Thank you for your attention. I will be pleased to answer any questions.

Mr. Chairman: In your brief to the commission, you indicated you represent about 80 per cent of the organized nonteaching staff in the public system. Could you tell us something about two things we have run into before? Who represents other unionized nonteaching workers? Are there boards that actually have a nonunionized staff doing any of those functions your union represents at this point?

Mr. Calvert: If I may answer that, we did include a list in our original brief to the implementation commission. I am trying to remember whether it is at the back or the front.

Mr. Chairman: There is one right at the front.

Mr. Calvert: There is also one at the end from the Ministry of Labour, as I recall. It lists the various organized groups. This one is either employees over 50 or all employees. In any event, you can see when you look through it that there are a number of independent unions; not many, but a few. I believe the Service Employees' International Union has some. There are one or two other groups. I think the Ontario Public Service Employees Union has a few bargaining units. So it is 80 per cent Canadian Union of Public Employees, and then scattered among the remaining 20 per cent are a number of independent associations and other established unions that may have a handful of bargaining units across the province.

Mr. Chairman: Are there any nonunionized?

Mr. Calvert: Yes.

Mr. Chairman: We were concerned because the legislation does speak to hiring.

Mr. Calvert: This is a fairly serious problem because, as you know, in terms of bargaining structures normally our certifications are for caretaking and maintenance staff and for clerical and sometimes teacher's aides and cafeteria staff. They would all normally be different certifications. In some cases, the separate board might have only the maintenance workers organized but not the clerical workers, or it may have the clerical workers but not teacher's aides organized. We would have cafeteria workers in some public boards; in separate boards the work might be contracted out or the workers might be unorganized. We might represent the custodians in one public board and the coterminous separate board might have the custodians represented by an independent association or some other union.

Broadly speaking, the Canadian Union of Public Employees represents the vast majority of nonteaching staff, but we have all these cases of potential mismatches across the province. Certain groups, especially in classifications that are not as highly unionized, will be the ones who find themselves caught in this mismatch.

2:40 p.m.

Mr. Timbrell: I think this brief, and the earlier submissions to the planning and implementation commission, will be very helpful to us in many respects, but in particular with respect to the rights and benefits for employees, which is a primary concern of all of us as we go ahead with this.

One of the issues you raised was raised by several other groups in recent days. That is the question of the pension system, and whether the 90 factor should become 85. I asked one of the earlier groups if they had done any work on evaluating the cost of moving to an 85 factor to promote earlier retirement. Can I pose that question to you? If so, could you share with us whatever information you have prepared?

Mr. Calvert: The answer is in two parts, really. To do a proper costing we would need a demographic analysis. We need to know the number of employees who will be in that potential retirement age bracket for the next five years or whatever. We simply do not have that, partly because we do not represent the total number of employees who would be affected and, obviously, we do not represent teachers. It is something that would probably have to be done

by either the Ontario municipal employees retirement system or the planning and implementation commission.

The other thing is that it depends on how many employees actually decide they will take early retirement. That is something that is problematic, so there are a number of assumptions.

I cannot give you any hard data. I know that would be nice to do, but I think certain assumptions have to be made about the take-up rate among the groups of employees. Perhaps OMERS would be in a better position to do that, given they have a lot of the data on employees, both in CUPE and in all the other associations and unions.

Mr. Timbrell: We asked the ministry to share with us whatever information is available on that. That is very important information and when we get it we may want to ask the commission for some other analysis of it. You touched on the next point I wanted to ask.

Can you tell me something about the demographics of your union membership? We have heard from other federations about their membership and the projection of the impact on their members. Can you tell us something about the demographics of the people who are members of CUPE whom you represent in this process? Is their attrition rate as great as that of the teaching staff? What is your assessment of the potential impact on your membership, be they custodial staff, secretarial staff, teaching aides or whom-ever, given the kinds of projections of enrolment shifts that you see?

Mr. O'Connor: I do not know if we have that kind of information other than by conjecture. It will be the junior people who will be transferring to the separate schools. The young people will be the ones who will be transferred and the population of the public schools will be an older population of workers. The ones who have been there with the higher seniority will not be laid off or transferred, so the attrition would take place in the public school system. Do you have anything more accurate, John?

Mr. Calvert: We do not have any comprehensive list of the ages of all our members in the school system which is, in part, what you would need to do this. Frankly, I do not know who has. Perhaps the ministry has. I do not know. OMERS may have this information.

In the public school system, as Terry has pointed out, we do have an ageing work force because of trends in educational staffing over the last 10 to 15 years. There have not been nearly as many new hirings as would have been the case in

the 1960s. As a consequence, the work force has tended to get older year by year on average.

The average age of our members would certainly be worth finding out, but I cannot honestly give you the figure. I do not have it. I would guess they would be in their early 40s but that is something I simply do not know for sure.

Mr. Timbrell: Likewise, through your research, do you have any projections of the impact in terms of the numbers of your members who are going to be retired? You know the projected shift in enrolment. If you have been involved in discussions with any of the coterminous boards that are proceeding this fall you must have some feeling for whether the impact is going to be proportionately as great on your membership as on teaching staff, or less.

Mr. Calvert: How can I explain this? Our union is very decentralized. We have contracts around the whole province. We do not have a system whereby we can demand that every local union provide a whole range of this sort of data. However, in general, I would say the ratio of nonteaching to teaching staffing losses would be somewhere around one to three. So the projections you have for teachers reduced by two-thirds would be roughly the numbers in which our membership would be affected.

Again, we have the problem that everyone else has. Until the final enrolment figures are in we do not know how many students are moving. We do not have a crystal ball on that issue so it is hard for us to project how many members will be affected in any event. I would say the ratio of one to three would be appropriate.

Mr. Timbrell: The one being CUPE and the three being teaching.

Mr. Calvert: Yes, somewhere in there.

Mr. O'Connor: I think that is one of the first questions we asked the Ministry of Education. We asked if it could give us some kind of data. It had the same sort of answer we gave: "Gee, I do not know."

Mr. Timbrell: It surprises me. I realize you are decentralized but I am surprised that some of this data is not there.

Mr. Calvert: If you notice, in the recommendations we put before the planning and implementation commission, because we felt an inadequacy with respect to some of this data, we asked that information be collected and the process monitored provincially by that commission. It was partly because we really do not have the resources to do it. Also, there were numbers of groups we do not represent so we could only

guess. A body like the planning and implementation commission could actually do that through the school boards by asking them to provide this information provincially. Obviously, we hope that is done.

Mr. D. S. Cooke: Can I ask a supplementary? Assuming there are no amendments, though I hope there will be to the retirement plan, and since the younger caretaker staff will be going to the separate school board, have you thought of any of the financial implications for the public school boards because of overstaffing, workers' compensation, sickness and accident, and in some cases where public boards have an older caretaking staff having to hire some extra staff to help out? I would assume the total impact on your staff could be quite substantial, with an older work force.

I know when I was on the board I talked to older caretakers. There is a certainly a higher incidence of back injuries, more sick and accident days off and so forth, among older caretakers in the system.

Mr. O'Connor: You are talking about some pretty sophisticated research.

Mr. D. S. Cooke: However, it is going to mean a substantial impact on the public boards in increased costs. I do not think anyone in the commission has addressed it yet. I did not hear anything such as that when we were being briefed a couple of weeks ago.

Mr. Calvert: The other effect is that opportunities for promotion and staff development generally will be very greatly reduced, simply because there will be no new positions opening up in the public system. For example, someone who might hope that after a number of years of service he or she would become a head caretaker could see that line of progression blocked because there are no new positions.

Mr. Offer: Mr. O'Connor, on page 10 you mention full funding would result in a significant number of redundancies. Carrying on from Mr. Timbrell's line, do you have any idea of the number when you use the word "significant?"

Mr. O'Connor: No. That is the kind of information we would like to have. If we could find out what separate school board enrolments will be, who is going to be opening Catholic high schools and who will be closing public ones, and so on; but that is the kind of information we do not have.

2:50 p.m.

Mr. Offer: I see. My question was, when you use the word "significant" as opposed to "insign-

ificant" or whatever, did you have some number to justify that?

Mr. Calvert: You will recall, and maybe the figures have changed somewhat, there was discussion about the transfer of six high schools in places such as Sudbury. There will be a number transferred from the public board in Toronto, three or four. It depends on how you define significant.

The point you raise reminds me that one of the difficulties our locals have had, and it has to do with the bargaining structure we were talking about before, is that the separate board does not have any obligation to share with the public board union local any information about the transfer process or its estimates of how many employees are going to be required or how many students will be going over, etc. We cannot force it. We have no relationship with it directly.

We can hope our local puts pressure on the separate board, if there is one, but that is a difficult thing to ask. We cannot tell an employer what he must do with respect to gathering information and sharing it. We have had a number of cases in which, even though the separate board has information, it is not inclined to share it with the local unions. It does not see that as relevant to what it is doing, maybe because there are a lot of other issues on its plate and it is not a priority, and maybe because it does not see why it should.

The right of the local unions to have access to information about this process is fundamental for us to do any planning, as well as for you. Right now we do not have any rights in that area.

Mr. Allen: I have listened to your brief with great interest. It is very thorough and has canvassed a broad range of issues that arise for you and others in the education community with respect to the impact of the funding proposal. I looked over your earlier brief and was quite impressed with its detail.

Any process of adjustment such as we will be going through in the next decade with regard to this whole issue obviously requires, as you suggest, information on the part of all those who represent teachers and workers in the system. I personally hope your various comments with regard to that request would be honoured as basic. I certainly hope this committee will facilitate that in looking at the bill and its provisions. Some other proposals with regard to rationalizing coterminous board bargaining arrangements may fall beyond the range of this legislation, but at the same time this committee may well be looking at other recommendations

that go beyond Bill 30 to convey to the education or other ministries with respect to impact. We will want to look at that proposal, which is very interesting.

I gather, since you have not referred to the fact, you do not represent any working groups in the separate school boards of Ontario. Or do you?

Mr. O'Connor: We represent workers in both separate and public school boards.

Mr. Allen: I must have missed that or perhaps you did not say it. Okay, so they are in both systems already. We are not talking about one side as against the other.

Mr. O'Connor: No.

Mr. Allen: With regard to the question raised already, and to press it a little further, you expressed your concern about seniority as being the guiding principle in the designation and transfer of personnel from the one system to the other. Are there provisions in your existing collective agreements that will make it function that way in any case? How do you see the seniority provisions in your existing collective agreements in relation to the designated list and the hiring processes that will take place in relation to it?

Mr. Kirkby: One thing we are concerned about with respect to seniority is what is going to happen in the case of secondary layoffs? If you have a school closing in Toronto or going over to the separate school board, for example, and you have two caretakers in there with 18 years' seniority, these people are not going to be going out on the street. They are long-term employees and they are going to find positions in another school. They are going to bump out somebody else who, in turn, is going to bump down. The trickle-down process is going to result in somebody at the bottom end going out. The person who goes out on the street may be unemployed with only a year and a half's service or whatever.

These are the people who are of greatest concern to us. Is the planning and implementation commission going to recognize what happens to these people as being a direct result of the transfer process? By the time these people get out on the street, the school that went over to the other school board is going to be history. It is going to be a fait accompli and it is going to have happened some time ago in the chain. This is one of the principle concerns I am dealing with directly with our people.

Mr. Allen: I am not sure that entirely answers my question. I understand what you are saying

about the bumping process and that the person at the bottom of the totem pole is the one who gets on the designated list and then is eligible for transfer. I gather your concern was more with seniority in relationship to the hiring from the designated list into the other system. Is that in no way governed by your collective bargaining agreements?

Mr. Calvert: The problem is we have a good deal of variation in the seniority provisions we have negotiated across the province. In a lot of locals layoffs are exclusively on the basis of seniority, but some contracts are not as strong as that. In those cases it is somewhat more vague as to who is laid off and who is not.

There is no uniform provision in our contracts that you could use as a touchstone to say everybody in the Canadian Union of Public Employees who is confronted with this kind of layoff will end up going through this particular process and this will be the result. It will not work that way. What you will see is a lot of local variations, depending on the language in each separate contract. That is very messy and confusing, but that is the way it is. Some of our contracts will deal with this layoff issue fairly clearly and others will not.

We are concerned that people in the same situation in different school boards will get treated differently. We would like to ensure there will be uniformity across the province. We would like to ensure that whatever is decided to be fair applies to everyone across the province fairly. That can only really be done directly through legislation or through the planning and implementation commission laying down very hard and fast guidelines.

What we do not want to see is a kind of ad hockery around the province with every local of ours and other unions and every school board making its own special arrangements, some of which will be based on seniority and some of which will be based on a whole range of other factors over which we have no control.

We think if you have one principle, such as seniority, applied, that will be fair to everyone. It may be difficult in some situations, but every other arrangement one could work out would also be unfair in some way. Coming from a trade union perspective, for us this is the fairest way to go about it.

Mr. Allen: I see a problem in terms of fairness in applying a general rule to local situations which are very different. That can result in irrationalities too. It seems as if it is really fair, but in the end result it may well not be.

Do you have any concern over the insistence on seniority in terms of the question my colleague raised earlier about its impact in forcing the public system into that more aged profile for the people you represent? Clearly, if seniority provisions govern this all down the line and that is simply and rigidly the way it happened and there is no volunteering, you will have an ageing system. You have said you are not happy with volunteering and I want to come back to that, but does that ageing system concern you at all? Should we be trying to find ways around that?

Mr. Calvert: It certainly does, but I do not see what we can really do about it.

3 p.m.

Mr. Allen: It is partly because of that question that the volunteering proposal had some attractiveness to the teachers. In the first instance they proposed we do not designate personnel but we designate positions, and then we find people who volunteer to them. At least in that way we will not be forcing the issue on the seniority basis so that the younger person is always the one transferring to the separate system.

Older teaching personnel might wish to volunteer and get double advantage out of their seniority because they would be going into a system which otherwise was younger in profile and it would, therefore, have access to some of the things seniority could bring to the other system. It seemed to open up that question a little bit and it was somewhat attractive to the teachers. If we designated positions rather than personnel, would you be happy with a volunteering arrangement?

Mr. O'Connor: I am not sure you can do that in any kind of fair way. The slippery slope of it is the danger inherent in it, the subtle pressures that are going to be put on somebody. "You are a Catholic. Now they have a Catholic high school there why do you not volunteer?" There will be pressure on somebody else to volunteer.

Mr. Allen: Is your concern with that pressure that they would not have protection? The volunteering notion that we were talking about last week with several organizations, including the Catholic boards and the Ontario Secondary School Teachers' Federation, did provide for complete protection of the designated list to anybody who volunteered on to it. If that were the case, would you be unhappy with the volunteer arrangement?

Mr. Calvert: The problem we have is that once you move away from seniority then we have no input whatsoever on the decisions.

Mr. Allen: Once you got on to the volunteer list you would be in the seniority hierarchy still, but the volunteer would have the option of moving through.

Mr. Calvert: I am speaking as a union representative. The union would not be in a position to exercise any real influence over the process.

Mr. Allen: Why not?

Mr. Calvert: I think the point that Terry makes is legitimate.

Mr. Allen: Are there not other kinds of protections that you provide for your employees outside the seniority issue?

Mr. Calvert: If you do not legislate something such as seniority it is going to be very difficult for us to do this locally on a local union by union basis, especially if it is not already in the contract. Therefore, once you bypass seniority, once you say that is not the method, it is not then clear what would be used. There are no criteria we would be happy with and each board would then develop its own system, whatever it happens to be.

Mr. Allen: Let us say that you have in this coterminous board situation redundancy of three caretakers and two others volunteered on to the list. Whoever got on the list would nevertheless end up in the hierarchy of seniority and the hiring would be off the list in terms of seniority still, but you would have the option to volunteer on to the list.

Mr. Calvert: The concern that was raised was how you then prevent a dynamic emerging in the public boards where people start asking, "Who is a Catholic and should move?" That would be a problem, and we would not want to see that kind of thing happen. There is no reason for anybody in the public board right now to identify themselves in terms of religion. That is not a factor in anything else we do in the public board. It would be unfortunate if that kind of dynamic were to develop.

Mr. Kirkby: Mr. Calvert may have expressed what I was going to say, that I do not want to see a system developed where a person who may be a Roman Catholic is somehow or other pressured to making a move into the separate school board. He or she may have been a long-term employee with a particular board. Many of our members are 25- to 35-year employees with the same board. They should not feel under pressure because they are Roman Catholic. "You are the guy, George. You are the one who is Roman Catholic. You are the one who should be

moving." I would say they have residual rights in the community and in that school.

Whether it is volunteer or not volunteer, there are subtle pressures that can be put on in the work place to make people move in that direction, and I do not think that should be happening. We should be making sure there are safeguards in the system so it will not happen that way.

The only fair way to deal with people is on the basis of seniority. It is the one that can be most easily justified by all parties involved. It can be justified by management and by the union. Because of years of service, one has the right to stay there. I think that is the approach we have to take.

Mr. Allen: It would be useful for us to have a more systematic representation from you on the question that would tell us what the problems are, how you see the mechanism working. Then we can see whether the way the mechanism appears to work in your eyes is the way we envisage it working and what the problems are. I understand the points you are making and they are good ones.

Mr. Byrne: When you are talking of the voluntary transfer of people, the method we are now using is they would bump their way down through the public system and they would be the people with less seniority coming in. You also must take into consideration people who have been with the separate school board for a number of years, 10 or 15 years, and who may well be in line for promotion. If you take a volunteer, you could have somebody who has been with the public board for 20 years and suddenly decides to transfer to the other board. He would get a transfer ahead of this other person.

We are getting feedback from people in the separate school board at present. They feel that would be an unfair system if it were to happen to them. They have been with that board for a number of years and are concerned about it. They can understand and accept people coming in with less seniority, but they would find it difficult to accept somebody who might have worked for the public board for 20 years coming in when they have been there 15 years.

We have people who may be within a year of being transferred to head custodians. Sometimes it is a steady afternoon shift for the people with less seniority and they are going to give themselves the day jobs. They may go back one, two or three years in their promotion and they find that difficult to accept.

Mr. Offer: On page 5, you indicate that displaced employees ought to be given priority

throughout the province and they ought to be given an offer of employment, if possible. You also have asked that subsection 9 be amended to allow for one refusal of employment. If you intermesh those two comments, does that mean a person could be offered a position of employment from across the province and thereby use up his one refusal?

Mr. Calvert: The intention was that in a coterminous board area, for example, where 10 custodians are going to be laid off the public board, obviously the people who live on the eastern side of Toronto may not be very happy about being given a position in the far west of Toronto with all the commuting that involves.

If there are going to be some positions in their area that will come open from the separate school, it would make sense for them at least not to be offered the job on the far side of Toronto with all the difficulties involved and the disruption of their lives in moving, etc. If a position is going to come open near to where they live, they should have some opportunity to get that.

That was the intent. We may not have expressed it as clearly as we should. It was not intended to give them rights across the province. If, for example, you have a public board that has some people who are going to be laid off and there is no position available in the coterminous separate board, we are saying, if some other separate board in the province has a position open for a teacher aide or a custodian or whatever, at least they should be given some chance to take that job or be offered that position before the separate board goes out and hires somebody else. Do you follow me?

Mr. Offer: Yes.

3:10 p.m.

Mr. Jackson: Your recommendation 10 refers to a provincial fund for retraining. Do you have any specific examples or have you heard from your locals of any situations that might bring more clarity to that recommendation? An example would be a bus driver who is going to be asked to become a janitor. That is what I am really looking for. Have you had any examples of that emerge yet?

Mr. Calvert: I can think about this with respect to the custodial staff where there are certain boiler operators' tickets and so on that people may not have when they transfer over but which may be required in the school where they are going to be. They would have an opportunity to pick up the particular qualification if there is a

certain training program involved and a certain time on the job and so on.

I am sure other examples of this will show up in the clerical sector as well. Someone may have been a clerk-typist, for example, and the position open is for a school secretary, which is normally a higher classification and requires a bit more in the way of skills, perhaps shorthand or whatever they happen to be. We would want to ensure that person, who could reasonably be expected to qualify for the position with retraining, would have a chance to do that rather than being laid off.

Mr. Jackson: My second question has to do with recommendation 18 about creative bargaining structures. Have you given any thought to the recommendation that had to do with consolidated boards as an option where both boards agreed that would be an appropriate mechanism? Would you support that concept in the light of the point you are moving towards about coterminous bargaining units?

Mr. O'Connor: That is one of the possibilities we are talking about, yes.

Mr. Jackson: So you have no objection to it being an option in the legislation? It was in one of the drafts and it is not in this draft.

Mr. Calvert: It should be clear that we are dealing here with labour relations issues. We are not dealing with the whole gamut of issues that might be part of a coterminous board arrangement. We are looking at our concerns about the difficulty our locals and the public boards have in dealing with the separate board and vice versa.

We did not say specifically "a coterminous board." We were not looking at that. We were looking at some arrangement whereby, for labour relations purposes and for purposes of transfer within a coterminous area, there would be some body we could deal with. It would give our public board local the right to deal with this umbrella body which would then have some authority with respect to the separate board. If the process was not working in the way we found acceptable, we could say, "Let us try this in a different way." Right now, we have no mechanism of any kind to do that.

We are looking at it from a labour relations point of view. I presume other people have other views about what a coterminous board is. I do not think that is what we were discussing.

Mr. Jackson: I am referring to a consolidated board, not a coterminous board. Do you know the distinction?

Mr. Calvert: I can gather what it would be, but that was not the point we were making.

Mr. Jackson: Then I am now confused as to what you meant in recommendation 18. Are you suggesting the legislation should contain a parallel structure similar to the planning and implementation commission that deals with nonteaching bargaining and labour matters? Or are you talking about something in the vein of a royal commission or an arm's-length commission that would look at the future of linkages between the two systems in a bargaining mode? I read it one way but now I am getting a different angle based on your comments.

Mr. O'Connor: What has given rise to this is something that has become evident in this process. We have so many different kinds of locals. We have some locals that are teachers' aides, some that are cafeteria employees, some that are bus drivers.

Mr. Jackson: There were nine unions in the board that I was with, so I have some understanding of the issues.

Mr. O'Connor: We are trying to talk about this very process. It is apparent there is quite a variety and it is difficult. It would have been very easy if we just had one union bargaining for all our people across the province and one small committee representing all the school boards across the province. We could have sat down and worked it out in a couple of days. That is not about to happen.

Because this has become evident during this process, a body—maybe a royal commission—should be set up to take a look at the whole processes of bargaining within the school board system in the province with a view to trying to do some rationalizing.

Mr. Jackson: I want to be 100 per cent clear on this. You are saying the commission shall establish a committee. You were not asking this committee to suggest that; you were requesting it be the commission, or is that a throwback?

Mr. Calvert: This was submitted in February. It is identical to what was in the brief, but I think the point remains that if this committee feels it appropriate, there should be a review of the legislation.

It is not just a matter of the Education Act but also the Labour Relations Act, and there are various other pieces of legislation on which it probably has some impact as well. The body that is set up would have to have a mandate to look at all relevant legislation which affects bargaining, certainly for nonteaching staff and perhaps teaching staff as well.

Mr. Jackson: Finally, concerning recommendation 13 again: Could that be referred to the Minister of Education (Mr. Conway) to respond, on the basis it is not really within the committee's domain? I am sure he would be interested to know another group in the province would like to know his thoughts on this issue.

Mr. Chairman: I am told it has arisen before and I will pass it to him for response.

Mr. Davis: I would like some information and I am asking this out of ignorance: To your knowledge, does the separate school system employ matrons as we know them in the public school system?

Mr. Calvert: Yes.

Mr. Davis: Would it be true to say that a large number of women employed in the public school system, in the various unions you represent—and I am forgetting the secretarial aspect—would have less seniority than a large number of men, so they would find themselves transferring more?

Mr. Byrne: I am not quite clear on your question.

Mr. Davis: In the last several years, women have become caretakers, and so on, moving from positions of what would have been matrons into positions with more responsibility. If there is a transfer of students, then a large number of women in those new positions in the public system would have the least seniority, and would therefore be transferring across.

Mr. Byrne: There are two different classifications there. If a board were eliminating custodians, it might transfer three out of a school and only one matron, so matrons would be transferred on their own.

Mr. Davis: You now have women employed as custodians and I would imagine most of those have significantly less seniority than a male custodian. If it goes by seniority, then it would appear they would be the people who would be transferred more than males, in proportion.

Mr. Byrne: In my area, the ladies who have applied for the job of custodian would be matrons with more seniority. They would have applied and got the job because they would have had some seniority to start with.

If you are talking of custodians, the people at the bottom of the list will still be male. They have the least seniority, not the ladies who have been transferred up there.

Mr. Davis: On page 7 you talk about sick leave. Do plans exist in the separate boards

whereby a person who is ill does not receive full salary, as you do in your collective agreements?

Mr. Calvert: The problem varies across the province. Generally speaking, I would say about 90 per cent of our locals have a sick-leave bank, traditional sick-leave arrangements as you understand them. In some cases there has been a change to a weekly indemnity plan. It may have happened in the public or separate board.

As we see it, the problem would arise when you have an employee, in a public board that has a sick-leave plan, who becomes an employee in a separate board that has gone to a weekly indemnity plan. The transfer of the sick-leave credits is a problem, because there is no bank in the separate board in which to put them. In that case, what do you do with them?

3:20 p.m.

If employees have weekly indemnity coverage, they are covered for 66 2/3 or 70 per cent of their salaries, depending on the plan that is in operation. What do people do with the sick leaves? We are suggesting one alternative, that people be able to use their sick leave to top up this plan. Another alternative we discussed before would be to cash it out. If there is no sick-leave plan in operation at the board to which they transfer, that would be another reasonable option for them to have.

It is not going to affect the vast majority, the 80 or 90 per cent, but there are going to be some cases, maybe three or four in the province, where this mismatch is going to occur and we will have to deal with it.

Mr. Davis: On page 18, section 11, union consultation and access to information, what kind of control does the union want in that process? You say, "No decision shall be implemented without the express agreement of the unions involved." If a coterminous transfer occurred, with that kind of wording we could have a grievance on every one of those.

Mr. Calvert: The problem we had when this was drafted back in February, and it still exists to some extent, was that a number of boards were not telling the local unions anything of relevance about the transfer process.

There are still some cases today where that is a problem. Boards in this year's bargaining do not even have a proposal on the table to deal with the local union, to address the question of how employees will be transferred into or out of the bargaining unit. Because this issue has never been a bargaining issue before—at least it never arose until June 12, 1984—we do not have any

provisions in our collective agreements normally dealing with this and there is no right or obligation on those boards to consult with us. We want that in binding legislation.

Mr. Davis: What I have heard in the discussion prior to this time is the teachers' unions suggesting there be an option called the volunteer transfer, which you have just debated for the last 10 or 15 minutes. As representatives of the various bargaining units, you are saying there is no alternative but seniority.

You are asking us to enshrine the legislation twofold, to say if you are in the teachers' unions, you can have the right of volunteer transfer, but if you are in any other union or represented by any other bargaining unit, it must be by seniority. By doing that you take away the right of a board, be it coterminous board or public board, to say, "We think that has benefits to us that far outweigh the intent of strict seniority."

Mr. O'Connor: You have zeroed in on what we are representing the employees for. We are a little afraid of the boards deciding what is going to have benefits to them without considering benefits to the employees. We are here to represent the employees.

Mr. Davis: Yet you are prepared to send employees, based on seniority, into school jurisdictions where they might feel upset and irritated because they are being transferred and you are not allowing any members of your bargaining unit to say, "Hey, I would like to move across there."

Mr. O'Connor: We have to balance the one against the other, the rights of the members in one system and the rights of the members in the other system. There is the example Mr. Byrne gave of a senior employee losing out on his opportunities for a promotion because some other person senior to him chose to take the voluntary transfer rather than the junior person who should have had the transfer.

Mr. Davis: Are all your promotions based on seniority, or are they based on seniority plus some other aspect?

Mr. O'Connor: By and large, seniority. Seniority is what it ought to be, but there are situations where it is seniority and other qualifications.

Mr. Davis: If we put into the legislation something that says that, except for teachers, all other transfers should be on seniority, would the majority, if not all, of your members be happy with that?

Mr. O'Connor: Yes, I think so.

Mr. Calvert: The other problem we have here is that people from bargaining units that are not organized are going to be moving into our bargaining. In some cases certain classifications in the public sector will not be organized or may be in a different union and they will be moving into a local that we have in a separate board. That creates a situation where employers could pick and choose from the public board which employees they want to move over and we would have to accept them. We have no choice about that, and it is not based on seniority, which again creates a difficulty for us.

We think there should be one uniform, straightforward system and seniority should be the basis of it. For some it may be difficult, but we think it is the fairest way on balance.

Mr. Chairman: Thank you, Mr. O'Connor and your colleagues for your help today.

Mr. O'Connor: I want to thank you for hearing us and just mention a couple of things. These points we have made are all important to us, but if I were asked which were the most important ones, I would emphasize my concern about the contracting-out situation where contracting out should not be taking place at the time this implementation is taking place, because it could really cause the kinds of things Mr. Calvert was referring to, all kinds of problems.

The other is the funding issue, which we addressed on page 13 of our brief. The employees ought not to subsidize full funding through lower wages and benefits. There are going to be costs involved in the implementation and there should be funding made available for that. There should not have to be added pressure on our workers at the bargaining table to try to fight for their standard of living because of the costs involved in the implementation.

Mr. Chairman: Those points and the others in your brief were well and forcibly made. In case we get deluged, I just learned we are up to around 360 presenters at the moment who are coming before us. We have an ongoing list that is a compilation of the recommendations coming forward, which will be available as we finally and ultimately get to clause-by-clause consideration. We will have each of those comments of yours there at that time. Thank you very much for coming in and taking this hour and a bit with us today.

PEOPLE OF SECULAR THINKING

Mr. Chairman: Our next delegate is Mr. Harold Barker, People of Secular Thinking. Mr.

Barker, how are you? Nice to see you. You have been here several days and you have seen how we operate. What we would like you to do is to start off with your brief or with your own remarks, however you would like to do it, and we will have questions from the committee when you finish.

Mr. Barker: Do you have copies?

Mr. Chairman: Yes. It is submission 70 and it should have been distributed to all members.

Mr. Barker: As spokesman for People of Secular Thinking, I especially feel I am a spokesman for the children and their constitutional rights, including the constitutional rights of Catholic children.

I come here to speak as a citizen in support of the principle of the separation of church and state. I want to urge the government of Ontario to reverse the course of Bill 30 until it has been studied according to this, the most important principle underlying political freedom in a free world. It is utter folly for the government to start throwing taxpayers' money into a project that wiser men will later decree degrades the constitutional wisdom of our forbears.

The principles of a free society are stated in general form in the Charter of Rights and Freedoms, but in the United States Constitution the same principles have become specific prohibitions against certain kinds of legislation carefully spelled out in Supreme Court cases over a period of 200 years. The bill in question here would be instantly thrown out in the US because of its intent to favour a church and promote a religious mission, as stated in principle 5 by the Minister of Education. The first amendment is the teeth of the charter.

3:30 p.m.

It says, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press." This was spelled out by the US Supreme Court as follows:

"The 'establishment of religion' clause in the First Amendment means at least this: neither a state nor the federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount can be levied to support any religious activities or institutions, whatever they

may be called, or whatever form they may adopt to teach or practise religion. In the words of Jefferson, the clause against the establishment of religion by law was intended to erect 'a wall of separation between church and state.'"

Thomas Jefferson and James Madison were fervent believers in what are now the principles of our Charter of Rights and Freedoms. Among their followers in Upper Canada are the names of William Lyon Mackenzie, Egerton Ryerson and George Brown, whose statue stands in front of the Legislative Building.

Before the first amendment was voted in 1789, a bill came before the Virginia assembly, just as Bill 30 is before us now, for a tax in order to maintain a Christian state church. Madison fought it by writing a pamphlet, the historic Memorial and Remonstrance Against Religious Assessments. The following is part of Madison's pamphlet.

"We, the subscribers, citizens of the said Commonwealth, having taken into serious consideration a bill printed by order of the last session of General Assembly entitled 'A Bill establishing a provision for Teachers of the Christian Religion,' and conceived that the same, if finally armed with the sanctions of law, will be a dangerous abuse of power, are bound as faithful members of a free state, to remonstrate against it and to declare the reasons by which we are determined. (1) Because we hold it for a fundamental and undeniable truth"—quoting the Declaration of Independence—"that religion or the duty which we owe to our Creator and the manner of discharging it can be directed only by reason and conviction, not by force or violence." The religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate.

"This right is in its nature an unalienable right: because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men; also, because what is here a right towards men is a duty towards the Creator. True it is that no other rule exists by which any question which may divide a society can be ultimately determined but the will of the majority; but it is also true that the majority may trespass on the rights of the minority. Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease, any particular sect of Christians." Bill 30, indeed!

"That the same authority which can force a citizen to contribute three pence only of his

property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever? Whilst we assert for ourselves a freedom to embrace, to profess and observe the religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us." Bill 30, indeed!

"If this freedom be abused, it is an offence against God, not against man. Because the bill implies either that the civil magistrate is a competent judge of religious truth or that he may employ religion as an engine of civil policy. The first is an arrogant pretension falsified by the contradictory opinions of rulers in all ages; the second, an unhallowed perversion of the means of salvation."

Thomas Jefferson introduced a bill called, A Bill for establishing Religious Freedom, in which he said:

"Truth is great and will prevail if left to herself; for she is the proper and sufficient antagonist to error and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate."

Let us take a look at our Canadian Constitution. In a 35-page brief attacking the constitutionality of religion in the school curriculum, Ontario lawyer Donald Victor Hambling quotes from the Tiny township case to establish that it was the administration only that was put under the control of denominational authorities. The schools were intended to be one fully tax-funded system of secular education. Being secular schools, the curriculum was never delegated to any other authority but the provincial legislatures.

The real intention of the Fathers of Confederation was to create an industrious nation. The guarantee of denominational schools was all part of a treaty with the Catholic Church which was virtually a sovereign state over Quebec. The Honourable George Brown, whose statue stands at the steps, is here to give witness:

"Now it is known to every honourable member of this House that an act was passed in 1863 as a final settlement of this sectarian controversy. I was not in Quebec at that time; but if I had been there I would have voted against that bill because it extended the facilities for establishing separate schools. It had, however, this good feature, that it was accepted by the Roman Catholic authorities and carried through Parliament as a final compromise of the question in Upper Canada. When, therefore, it was proposed that a provision

should be inserted in the Confederation scheme to bind that compact of 1863 and declare it a final settlement so that we should not be compelled, as we have been since 1849, to stand constantly to our arms awaiting fresh attacks upon our common school system, the proposition seemed to me one that was not rashly to be rejected."

What do we find in 1985? We find this final settlement enshrined in the charter and being used to justify unlimited expansionism by the Vatican state. Section 29 reads, "Nothing in this charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools."

The effect of this is to confound all other clauses in the charter which guarantee freedom from discrimination, and particularly section 2, which guarantees freedom of thought, belief, communication and association to the children of Roman Catholics. If the real meaning of the charter is to be realized, section 29 should be repressed or repealed.

What is the purpose of separate school segregationism if it is not for censorship and the prevention of free argument and debate? Conversely, what is the purpose of the North Atlantic Treaty Organization if it is not the prevention of censorship and the protection of free argument and debate?

I want to present the question of sovereignty. I understand the Canadian Constitution to be as follows: the federal government holds all sovereign power over territory and citizenship but the power to control educational matters is delegated to the legislatures of the provinces. However, authority to pass legislation on any matter concerning religion has never been delegated and remains totally in the jurisdiction of Parliament. Church matters and sovereignty matters may be dealt with only at the highest state level.

Bill 30 oversteps the jurisdiction of the province by legislating matters of sovereignty because (1) the Legislature has no authority to redelegate educational programming and most certainly has no authority to redelegate anything to a foreign state, such as the Vatican is, and (2) the bill has a strong tendency to establish a religion, to favour one church over another and thereby invade the jurisdiction of Parliament.

3:40 p.m.

When announcing this bill, the Minister of Education stated as principle 5 that the "distinctive mission" of the Roman Catholic separate school system must be maintained and that the completion of funding serves to preserve it. The

word "preserve" is deceptive, because the obvious effect is to extend the mission of a system run by the Vatican state.

What is the mission? We have two different pictures. In one, the Cardinal meets the Premier saying he is a spokesman for the Queen's subjects who have voluntarily become members of the church. In the other picture we see children who have been forcefully inducted being forcefully taught that the order of command is from the top down and how they must obey the power structure that will govern their lives. I include as a supplement some photocopied pages from a grade textbook.

For Roman Catholics only, it has been an indictable offense, punishable in purgatory, for parents to put their children into non-Catholic schools. If this is a punishment for parents, there must be even worse for any Roman Catholic member of the House who would vote against Bill 30. How many have? If the coercive power of the Vatican state can control how Catholics vote, then it can control governments by controlling the selection and election of representatives from the bottom up. Fear of purgatory and fear of ostracism are substantial means for coercion inside segregation territory.

In Catholic schools the question is: "Who is our sovereign?" The answer is that if you do not obey the church you will not be safe from torture except through a priest. It is as if a coin had two faces: On one side, the Queen; on the other, the Pope. Parliament rules under the one, the hierarchy under the other. If the two powers are to be equalized in the name of social equality, then we can soon expect the Legislature to rename the Queen's Own Rifles. One might even wonder about the completion of funding coming just in time for the 400th anniversary of the Spanish Armada.

Segregation serves the Vatican state like a barbed wire fence. We need to look at this word from another angle. Is there a difference between the separation of Roman Catholics and the segregation of Roman Catholics? Is there a difference between segregation and apartheid in its purpose and achievement? How can segregation be viewed as the road to social equality in Ontario, when it is regarded as a means of maintaining social inequality in every other country? The United Nations and Canada condemn segregation in South Africa. Dr. Martin Luther King fought it in the United States. The US Supreme Court ruled that it was inconsistent with equal citizenship. President Eisenhower sent the national guard to confront Governor

Wallace on the steps of a high school in Alabama. How, then, can all three parties of the Legislature come to agree that segregation is good here?

What has Catholic segregation done for whole nations of segregated Roman Catholics? What did it do for Quebec? One of Britain's greatest historians, Lord Macaulay, wrote this:

"During the last three centuries, to stunt the growth of the human mind has been her (the Roman Church's) chief object. Throughout Christendom, whatever advance has been made in knowledge, in freedom, in wealth, and in the arts of life, has been made in spite of her, and has everywhere been in inverse proportion to her power. The loveliest and most fertile provinces of Europe have, under her rule, been sunk in poverty, in political servitude, and in the intellectual torpor, while Protestant countries, once proverbial for sterility and barbarism, have been turned by skill and industry into gardens that can boast of a long list of heroes and statesmen, philosophers and poets. Whoever, knowing what Italy and Scotland naturally are, and what, 400 years ago they actually were, shall now compare the country around Rome with the country around Edinburgh, will be able to form some judgement as to the tendency of Papal domination. The descent of Spain, once the first among monarchies, to the lowest depths of degradation, the elevation of Holland, in spite of many natural disadvantages, to a position such as no commonwealth so small has ever reached, teach the same lesson. Whoever passes in Germany from a Roman Catholic to a Protestant principality, in Switzerland from a Roman Catholic to a Protestant canton, in Ireland from a Roman Catholic to a Protestant county, finds that he has passed from a lower to a higher grade of civilization. On the other side of the Atlantic, the same law prevails. The Protestants of the United States have left far behind them the Roman Catholics of Mexico, Peru and Brazil. The Roman Catholics of Lower Canada remain inert, while the whole continent round them is in a ferment with Protestant activity and enterprise. The French have doubtless shown an energy and intelligence which, even when misdirected, have justly entitled them to be called a great people. But this apparent exception, when examined, will be found to confirm the rule; for in no country that is called Roman Catholic has the Roman Catholic Church, during several generations, possessed so little authority as in France."

Now this is what Victor Hugo said: "No nation has known more intimately the power and effect

of the Papacy than France. Hear what Victor Hugo said of the influence of Rome"

"And you claim the liberty of teaching. Stop! be sincere; let us understand the liberty which you claim. It is the liberty of not teaching. You wish us to give you the people to instruct. Very well. Let us see those your pupils. Let us see those you produced. What have you done for Italy? What have you done for Spain? For centuries you have kept in your hands, at your discretion, at your school, these two great nations, illustrious among the illustrious. What have you done for them? I shall tell you. Thanks to you, Italy, whose name no man who thinks can any longer pronounce without inexpressible filial emotions—Italy, mother of genius and of nations, which has spread over all the universe all of the most brilliant marvels of poetry and arts, Italy—which has taught mankind to read—now knows not how to read! Yes, Italy is of all the states of Europe, that where the smallest number know how to read! Spain, magnificently endowed Spain which received from the Romans her first civilization; from the Arabs her second civilization; from Providence and in spite of you, a world America—Spain, thanks to you, a yoke of stupor, which is a yoke of degradation and decay; Spain has lost this secret power which it had from the Romans, this genius of art which it had from the Arabs, this work which it had from God, and in exchange for all you had made it lose, it has received from you the Inquisition—the Inquisition, which certain men of the party tried today to re-establish; which has burned on the funeral pile millions of men; the Inquisition which disinterred the dead to burn them as heretics; which declared the children of heretics infamous and incapable of any public honours, excepting only those who shall have denounced their fathers; the Inquisition which, while I speak, still holds in the Papal library the manuscripts of Galileo sealed under the Papal signet. These are your masterpieces. This fire which we call Italy you have extinguished. This colossus that we call Spain you have undermined—the one in ashes, the other in ruins. This is what you have done to two great nations. What do you wish to do for France? Stop! You have just come from Rome! I congratulate you, you have had fine success there. You came from gagging the Roman people, and now you wish to gag the French people. I understand."

Where are the advocates of extended separate school funding who will come forward to refute these world-renowned authors? Speak up, Mr. Davis. Speak up, Mr. Peterson, Mr. Miller and

Mr. Rae. Speak up or give up. Let us save the Roman Catholic citizens of Ontario from having to sit on the back of the bus and endure the fruits of intellectual censorship. A so-called God-centred school is where theology is inserted in the place of biology and mythology in place of history. The result is more unemployed priests and repeating customers to NDP abortion clinics.

3:50 p.m.

Real morality is possessing empathy and through it the habitual practice of the golden rule. Obedience through fear brings about conformity having the colour of morality, but no empathy, no golden rule. The church with its purgatory does not advance real morality. If the image of purgatory declines, obedience declines. This is why Quebec, having been dominated by Roman Catholic religion for so long and so completely, now finds itself the headquarters of the abortion industry.

On the other hand, the right-to-life movement, based on the golden rule, grows in soil made fertile by secular humanism. The right-to-life movement is rooted in hospitals, not cathedrals. Science is the generator of real morality; authoritarianism is falsely credited. The claim of superior moral values being taught only in Roman Catholic separate schools is propaganda unsupported by theory or factual statistics of correctional institutions.

To conclude, I list the several counts on which Bill 30 offends our constitutional value system: (1) It misrepresents the meaning of section 29 of the Charter. (2) It invades federal jurisdiction over religious matters. (3) It was negotiated between a province and a sovereign foreign state. (4) It discriminates against children on account of religion by installing unequal secular education in the guise of equal cost. (5) It discriminates between taxpayers on account of religion. (6) It generates discrimination by imposing the symbol of the Cross which has a long and never-ending tradition for generating anti-Semitism.

If you look at the last page, it is from a textbook used in Catholic schools. If you study it, I think it will verify everything I have said.

Mr. Chairman: Thank you, Mr. Barker, for your useful comments on the principle of separation of church and state and the historical lessons from various groups. I am not exactly excited by the tone of certain sections, including your comments about "the Cross which has a long and never-ending tradition for generating anti-Semitism." I think there are provocative lines that you have the right to say which I find unfortunate; it is your privilege to do so.

Mr. Barker: I am not backing down on that whatsoever. We had the affair over Mr. Keegstra in this committee. I think that is an important matter. James Keegstra and Adolf Hitler have this much in common: They were raised under the Cross. The meaning of the Cross, as Christians will tell you, is to represent the suffering of Jesus. Any child who is taught to be fervent over the suffering of Jesus is bound to ask the question, "Why did Jesus suffer?" He is going to run right into the Bible story about the good guys and the bad guys.

It is up to the Minister of Education to remove that kind of teaching from the schools. It is his authority and responsibility to do so because the federal government has delegated power to the province completely over the curriculum of the schools. The province is 100 per cent in control of the curriculum of the schools. This is being usurped by the religionists who think they have a perfect freedom to use any amount of curriculum time to indoctrinate their dogmas. That is totally unconstitutional.

Mr. Chairman: Do any of the committee members have questions? I have nobody on the list at this point. I gather there are no questions, but thank you very much for coming before us and presenting your thoughts to the committee.

The next deputant is R. Nagel, editor and publisher of the Christian Socratic. Is Mr. Nagel here? It is five to four and his time is four o'clock. Rather than adjourning, we will give him a number of minutes to come. I will see if there is some way we can trace him to make sure he is planning to attend. According to our last information he was.

I will raise a concern with members of the committee while we are waiting. The clerk has told me that the Ottawa situation is very full at the moment. We are now booked through hearings until 7:30 p.m. on Friday evening. We are still receiving calls and have five right at the moment on the waiting list with the deadline not due until the weekend. We will have to come up with some means of handling that.

Mr. Davis: We may have to go back.

Mr. Chairman: We may have to go back, as Mr. Davis says. I thought I would make you aware of that. If there is any way—

Mr. Timbrell: Could you pull Kingston out of that week and go to Ottawa?

Mr. Davis: It is a solid week also.

Mr. Chairman: The only trouble at this point is it is also booked solid, on the expectation of our arrival.

Members of the steering committee might look at that list for Ottawa deputants and see if they can come up with any way of handling the problem. There are a large number of individuals who want to come forward, which makes it difficult for us to try to compress delegations. If there were various sections of a school board we might be able to do it, but it is a little awkward when they are individuals coming in their own right. I am not sure what we will be able to manage.

Mr. Timbrell: I see what you mean about Kingston. I will be surprised if we do not get more calls for there too, given that you have people coming from almost the eastern boundary of Oshawa and as far as at least Leeds, if not Lanark and Grenville counties. I wonder if it would not be better to take all these extra submissions from Ottawa and do Ottawa that week and move the Kingston group back somewhere.

Mr. Epp: What Mr. Timbrell is saying is very logical. It may mean a lot more work postponing those hearings in Kingston, but it may be the only logical thing to do rather than go to Ottawa twice, unless it appears that the number of people in Ottawa would be more than an additional full day. We are going until late Friday—7:30 or something of that nature—plus four or five additional people in Ottawa already, and we may get more.

Mr. Chairman: Are you suggesting that one option might be to meet on Saturday?

Mr. Epp: No, I am suggesting what you might want to do is move some of those from late Friday to Tuesday, in addition to the ones you have, and leave it at that. We may not be able to hear everybody who wants to be heard. There may be others who, if we accept their briefs, would not necessarily insist that they appear before the committee.

Mr. Chairman: I wonder if we can do one thing in advance of trying to make this decision to switch venues because it could be problematic in terms of other times of booking and that sort of thing. What we could do, and I know this will make extra work for the staff, which will make Lynn very happy, would be to call the people who have already indicated they want to make deputations in Ottawa and indicate to them the difficulty we are having. We can see if any of them would be willing to just have the presentation given to us, but not necessarily come before us actively to make the presentation. They may just want to make sure their words are getting to

us and we are paying attention. We could see if that reduces it somewhat.

Clerk of the Committee: Some have indicated that they would be willing to do that. They realize they are wait-listed. If there is a cancellation, they are prepared to come at a moment's notice. If I give them a call at 10 a.m., they are prepared to come at 3 p.m.. They have been co-operative in that way.

Mr. Chairman: On flight Bill 30.

4 p.m.

Mr. Timbrell: This is no criticism of the clerk and her staff. I know they are working within certain time constraints. When I look at a day like Thursday, August 22, with 19 briefs each scheduled for a half hour, they are going to be able to read their briefs, but I do not know if there will be much chance to question them if they want to discuss things. That would be another advantage of spreading it out a little. It would give us some time to listen, question these people and have some dialogue. Otherwise, they might as well file their briefs or send a recording.

Mr. Chairman: Do you have another idea, Mr. Cooke?

Mr. D. S. Cooke: When we were doing Bill 179, which in some respects was just as controversial, we had a large number of briefs as well. One thing the committee agreed was, instead of individuals presenting their briefs and reading them word for word, the chairman at the beginning would ask that they take us through, but not word for word. That gave us ample time to have a discussion with the presenters as well.

We might try that because in half an hour, as Mr. Timbrell points out, we are not going to have time for questions. On the other hand, we have not kept to a half hour on any of the briefs except the one just presented. If we go more than that, we will be doing this in 1995.

Mr. Chairman: Perhaps that is a good suggestion, since there are three weeks before we go and we did not expect all these briefs to be in our hands before we were there. It would be easier if all committee members had a chance to read the submissions while they were travelling. I can ask people to summarize and then we would have the time to spend on questions rather than have them read something we already have in front of us.

I sometimes feel, when we have had the briefs in our portfolios for a few days, that although it is putting some things on the record that need to be said, it takes up more time than is perhaps needed.

Why do we not look at a couple of those options? If they do not work out we will move to Mr. Timbrell's suggestion of stretching the time in Ottawa to one full week and move our time in Kingston.

Mr. D. S. Cooke: Some of us who will be flying back from Ottawa will not be able to get to our home ridings that night; flights to Windsor stop at seven o'clock out of the big city.

Mr. Chairman: I think that is a complaint you should raise with the Minister of Transportation, Mr. Cooke.

Is Mr. Nagel, the editor of the *Christian Socratic*, here yet? Have we received the brief? I cannot even suggest we will read it. We will try to make contact with him and see what has happened.

Before we adjourn, there was one other question that was raised by the press and I ask the opinion of members on it. The other day, I said somewhat humorously—perhaps I should watch this tendency on my part—in response to a request from one of our deputants as to what was in former Premier Davis' mind when this all came up, that maybe we should call him before the committee.

On Friday, Mr. Borley of CFTO-TV cornered me and kept asking whether we would actually be suggesting Mr. Davis come before us. I indicated, at this stage, we were not having any trouble filling our time slots with people who were volunteering and I could not see what it would gain us.

I said I would put it to members of the steering committee and I might as well put it to the others in case Mr. Nagel arrives in the next few minutes.

Mr. Borley's position was this: We have seen the idea transferred into legislation and one question might be whether this was how Mr. Davis had seen it evolving. The others would be questions around funding, the estimates at the beginning as opposed to where we are at the moment, and there would be other kinds of questions that might be asked of the ex-Premier if we wished to send him a request to appear.

I again let my partisan slip show, and said I was not sure if we would get clear answers. Mr. Borley had been around here for many years and is well aware of the ex-Premier's capacity to answer questions, and I was not sure if this would be particularly helpful or whether, in a more serious vein, this was fair to a person who is no longer the Premier but a private citizen who does not have any special obligations to us as legislators.

However, I did say I would raise it with members and find out their opinions as to whether they would like me to contact Mr. Davis to see whether he would like to come before us to talk about the bill and its ideas and whether, as it has evolved, it meets the kinds of things he was interested in.

Mr. Epp: My view is that Mr. Davis is aware the hearings are going on. He reads the papers, listens to radio and watches television. If he wishes to appear, we should make ourselves available and make every reasonable attempt to hear him, but I do not think we should necessarily ask him to appear before the committee to answer questions.

I agree it could be misunderstood by the public that we were trying to grill him on a number of things. Since he has exited from the scene, it might be unfair to the former Premier to bring him before the committee, although every opportunity should be made available if he does want to appear.

Mr. Chairman: Does anybody else have any feelings on the matter?

Mr. D. S. Cooke: I think it would break up the boredom. It would be lots of fun.

Mr. Chairman: There is no doubt it would be a media event. Do the other members have any feelings about it?

Mr. Timbrell: I am reluctant to enter into this, having been a member of his cabinet at the time. Anything I might say could be misconstrued. The point both you and Mr. Epp make is quite a valid one, Mr. Chairman, in that he now is strictly William Grenville Davis of Brampton and it should be his choice. I do not see anything wrong in your writing to him to let him know the schedule of the committee and that, should he wish to participate, he is free to do so. I suspect he will maintain his private citizen status and not want to participate. I will leave it at that.

Mr. Chairman: I am sure he is an avid watcher of Rogers cable TV and now knows this request has been brought forward.

Mr. Davis: I hear they are putting Dallas in front of us.

Mr. Chairman: I heard that rumour too. It is lucky it does not run during the day.

Mr. D. S. Cooke: I am not sure I would want the Minister of Education (Mr. Conway) to be exposed to Mr. Davis any further. He already seems to have picked up the skills very well.

Mr. Timbrell: Mr. Davis may be able to decipher what it is we have here. It takes one to catch one.

Mr. D. S. Cooke: In some respects it would be useful. While members can say the former Premier now is William Davis of Brampton, he none the less is the former Premier and never will be just an ordinary citizen of this province. He is the one who brought about this change in philosophy and policy for the government. At the very least it would be appropriate, as Mr. Timbrell has suggested, for you to write him a letter and advise him there is some interest in his appearing before the committee. Obviously, we are not going to make any demands.

Mr. Chairman: If people would like me to write a relatively passive letter of that sort indicating we have had this conversation, I would be glad to do so.

Mr. Timbrell: Just to discuss an idea, it might be useful to invite all three leaders of the day, inasmuch as the other two leaders did not participate in the debate in the Legislature, so that they can discuss the events leading up to June 12, 1984, and the events of June 12, 1984, when both then opposition leaders rose to their feet to support the announcement by the then Premier.

Mr. D. S. Cooke: What about all the opposition when Mr. Davis was in power?

4:10 p.m.

Mr. Chairman: That is far too many people. We already have a backup in our hearings.

I would be glad to send a note off to the three. I think I would do it for four; the Leader of the Opposition (Mr. F. S. Miller) should have the right to appear if we were to have that kind of day. I will send one to Mr. Davis as a private citizen. The other three are still here and active. Therefore, we could tell them through our caucuses if necessary, but it is a different matter for the ex-Premier. I will contact all four, if that is what people would like, just in case they would like to come before the committee.

Mr. Davis: We will go up in the ratings for sure.

Mr. Chairman: Exactly. I think there is a future for us in the soaps if this continues.

Has Mr. Nagel arrived? I will check one last time. I have been doing this to make sure he has had ample time to be heard. He has been scheduled. If not, we will adjourn until 10 o'clock tomorrow morning for a very long day.

The committee adjourned at 4:10 p.m.

CONTENTS

Monday, July 29, 1985

| | |
|--|--------------|
| Education Amendment Act, Bill 30, Mr. Conway, adjourned | S-401 |
| Adjournment | S-423 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
 Davis, W. C. (Scarborough Centre PC)
 Epp, H. A. (Waterloo North L)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Offer, S. (Mississauga North L)
 Timbrell, D. R. (Don Mills PC)

From the Canadian Union of Public Employees, Ontario Division:

Byrne, L., Representative, Ontario Educational Institutes Co-ordinating Committee
 Calvert, J., Senior Research Officer
 Kirkby, J., Co-ordinator, Ontario Educational Institutes Co-ordinating Committee
 O'Connor, T., Secretary-Treasurer
 Barker, H. W., People of Secular Thinking



Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament

Tuesday, July 30, 1985

Morning Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Substitution: Ward, C. C. (Wentworth North L) for Mr. Smith
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, July 30, 1985

The committee met at 10:01 a.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I will call the meeting to order. We have a basic quorum of members from each party and I am sure the others will join us as quickly as they can.

Our first presentation is just being handed out to you. It has been labelled as presentation 80 and comes from the diocese of Algoma. We have with us Father Larry Winslow. Since I only have one other name down here, I will not guess on the others and allow him to introduce them to us.

The methodology we use is to have you present your brief in any way you would like, either leading the members through it and pointing out portions, or reading through it, whichever you prefer. After that is completed, we will open the meeting for questions from the members of the committee.

The first thing I would like you to do is be welcome, relax and introduce your colleagues to us, then start any way you like.

ANGLICAN DIOCESE OF ALGOMA

Father Winslow: I am a little concerned that some of the members do not seem to be able to get here.

We are from the Anglican Diocese of Algoma. We are presenting a paper that is the result of the deliberations of the synod of Algoma and this will be described to you as we go through. We come as representatives of the complete diocese, not as individuals within the diocese. We come as Christians concerned about the issues that are being discussed.

My name is Father Larry Winslow. I am rector of the Church of the Redeemer in Thessalon, just outside Sault Ste. Marie. I have many duties in the diocese. One of them is acting as chairman of our committee on public education.

We come with the authority of the bishop of the diocese. You will see his name on the front cover. He has read the paper. He has made his comments and they are included in the paper. The bishop would have liked to be here, but he had previous commitments already established

prior to the setting of this date and he could not change those.

William Kidd has come with me. Bill is a member of St. Matthews Anglican Church in Sault Ste. Marie. He is also a people's warden. In an Anglican church the governing body is the rector, the people's warden and the rector's warden. He is one of the members of the governing body of that particular church. He has been a lay reader, which means a lay minister, in the church for some 30 years, functioning in both Algoma and the diocese of Moosonee. Bill is currently a lay steward for the Algoma deanery, which also means he is a member of the executive committee of the complete diocese. The executive committee is charged with the operation of the diocese between synods, between the general meetings of all the parishes in the diocese.

Bill also functioned for 10 years as an officer of the Canadian Union of Postal Workers. For two and a half of those years he was national director of education and organization. He retired as postmaster in Kirkland Lake. Bill was also formerly a schoolteacher and is an air force veteran from the Second World War.

We come here seeking a better and more democratic approach to the problem at hand. We come here, as you will see, highly critical of the process that has been followed by this government. When I refer to this government, I refer to all parties of this government. We come here highly concerned. We hope in the process that no individual will take personal offence to anything that is said. We are concerned about the process, although in describing our concerns some individual names will at times be necessary.

In watching the previous deliberations of this committee on TV, we come hoping the committee and other government members who sit in on the committee from time to time will take more note of the public concern than has seemed to be the case in the past. We come feeling that democracy in Ontario has been entirely abrogated in this issue. We come fearing, and I do mean fearing. It is the opinion of just about everybody in the north whom I have talked to that this committee is nothing more than window dressing for what the government intends to do anyway.

We have been limited to 90 minutes. We will be tight. We hope the questions and comments can be held to the end. For those members of the press and members of the committee who are looking for a succinct summary of our position, chapters 4 and 5 and the conclusion will provide that. The balance will be supporting argument which we will be presenting as it is written in the document.

With that introduction, and having stated what our fears and concerns are in broad brush, I now hand the presentation over to Bill Kidd, who will read the first several chapters for you.

Mr. Kidd: I would like to give a brief outline of the structure within our church and in Ontario.

The Anglican Church of Canada is represented by 30 dioceses throughout the 10 provinces and two territories of Canada. Eight of these dioceses operate within the boundaries of Ontario. According to most recently available information, these Ontario Anglican dioceses represent approximately one million people. Of this total, approximately 500,000 persons are actually active in the church.

The Anglican Diocese of Algoma covers a large territory in central and northern Ontario. The southernmost part is Gravenhurst. The diocese runs north on Highway 11 to a point between Englehart and Kirkland Lake. The western boundary is Kakabeka Falls, a point some 20 miles west of Thunder Bay. Essentially, all points along Highway 17 are included, along with Chappleau and Manitouwadge. The diocese of Algoma includes over 61,000 Anglicans in 13 provincial ridings within this land mass of 70,000 square miles. Please note the 13 provincial ridings.

10:10 a.m.

Essentially, the authority of an Anglican diocese lies in the bishop. All binding decisions must flow through him to the people of the diocese. Every two years, more often if necessary, representatives of all parishes in the diocese of Algoma meet in synod. This synod, subject to the concurrence of the bishop, makes all financial and policy decisions for the diocese. It is this body of synod that has approved and directed the continuation of the work of the bishop's committee on public education.

Historically, the church has been deeply involved in public education. To see a part of the Anglican church's involvement in Ontario one only needs to witness the work of Bishop Strachan in 19th-century Ontario.

Christians are inherently concerned about education as it involves the teaching of their

children who have been baptized into the Christian faith or dedicated to God in anticipation of their adult baptism. The parents of these children have promised to bring up these children in the knowledge and love of the Lord Jesus Christ. Thus, the content and religio-moral structure of education is very important to Christians.

At the time of Confederation in Ontario, there were two school systems functioning in the public arena. One was the Roman Catholic separate school system with its guarantee of public funding; the other was essentially the Anglican-Protestant Christian public school system.

Today, the Roman Catholic separate school system remains a Christian-oriented educational environment. However, the Anglican-Protestant public school system has been unilaterally usurped by government to become the pluralistic, secular public school system.

Thus, today there are really two questions of constitutionality based upon conditions at the time of Confederation. One is the matter of how far Roman Catholic separate school funding should be extended; the other is the right of the balance of the Christian faith to its interdenominational Christian school system.

In October 1985, Right Rev. Leslie Peterson, Bishop of Algoma, established a diocesan committee on public education under the chairmanship of Rev. Lawrence H. Winslow. The mandate of this committee was:

1. To examine and make recommendations concerning the reintroduction of proper religious education in the public school environment. This would affect all levels of public school education;

2. To examine and respond to the government's stated intention to extend full funding to Roman Catholic separate secondary schools.

It is the work of this committee which was approved and directed to continue by the diocesan synod of May 1985. This decision, along with the then current statement of the committee, was communicated to all party leaders, the then Minister of Education and all MPPs from within the boundaries of the Anglican Diocese of Algoma.

Should the church speak? Many individuals have a difficult time understanding why the church is becoming involved in this or any other political issue. In quoting the concept of the separation of church and state, they feel the church has no place in the political arena.

What is missed is that the lives of Christians are deeply affected by the decisions of the state. Further, although it is true that the church should neither be the state nor control the state, the church is bound by the great commission of Jesus Christ to be the upholder of morality and justice in the operation of the state.

Thus, in bearing witness to Christ and in living the life of Christ in all aspects of human life, Christians, both individually and collectively as the church, are bound to speak out where either justice or morality are being abrogated. This duty is present when either Christians or those of other faiths are being adversely affected by political decisions. The church is part of society and, by its mission from Christ, cannot sit in isolation from it.

The church is not merely an organization comprising individuals gathered together with a common purpose. Rather, the church is the corporate gathering of those who have been bound together by God through Jesus Christ. As the body of Christ on earth, the church is a living organism charged with living and speaking the will of God.

As the collective voice of the synod of the diocese of Algoma has charged this committee on public education and the bishop of Algoma to speak the mind of the diocesan church, this committee is carrying out this commission in coming before this legislative committee. Thus, despite the church's failure to speak as it should have in the past, it now sees it as imperative to take a firm stand for a just and moral application of democracy in this, and all other issues, before the Legislature of this province.

To outline the concerns of the Anglican Diocese of Algoma:

The diocese has been communicating its concerns to the Premiers, Ministers of Education, Leaders of the Opposition and MPPs from the diocese of Algoma's territory since February 1985. Some have acknowledged receipt of the documents.

All the issues presented by the diocesan committee have to do with morality, justice and fair dealings with all concerned.

Further, it must be recognized that the diocese of Algoma does not oppose the principle of the extension of full funding to the Roman Catholic separate school system. Rather, it is concerned about the process and its effect upon persons affected by the decision.

Anyone who tries to inject a religious conflict between the church of Rome and the Anglican church is wrong. We are not in conflict with the

church of Rome; we are in conflict with the policies that have been adopted and promoted by this government and its predecessor. In fact, tomorrow morning I have a meeting with a committee from one of the Roman Catholic churches in our community to prepare a joint festival for St. Jerome's Day and St. Matthew's Day.

Thus, the diocese of Algoma has called for suspension of all and any forms of extension until the full and proper democratic process has been followed.

The specific concerns of the diocese of Algoma are as follows:

1. The shelving of democratic process by all three parties of the government of Ontario;

2. The probability of future decision-making processes which may use this abrogation of democracy as a precedent for further forms of government by decree;

3. The lack of cost disclosure and methods of payment which will undoubtedly have a major affect on the Ontario taxpayer, who already pays approximately 50 per cent of his income in taxation of various forms;

4. An insufficient constitutional review which does not consider the rights of Anglican and Protestant Christians along with adherents to other faiths;

5. Legislation which will ultimately destroy the Roman Catholic separate school system is completely unacceptable to the Anglican Diocese of Algoma;

6. The lack of a guarantee of quality in the public educational system. Words and promises must be backed with definitive policies and procedures, put in place along with the funding extension. The government has also failed to comment on Archbishop Garnsworthy's requirement for funding by program rather than students as a prerequisite for this move;

10:20 a.m.

7. Lack of a province-wide, fair-deal policy for public school teachers. The regional agreement process is insufficient in a province-wide educational system. Further, this policy must recognize the uniqueness of the Roman Catholic separate school system as well as the needs of the teachers;

8. Failure to provide equality for students by not giving students completely free access to either system. This must be accomplished with complete recognition of the unique qualities of the Roman Catholic separate school system;

9. Failure of government to fully and properly address trustee redistribution prior to the upcoming

ing municipal elections. The need under full public funding and proper universal access of students demands the presence of public trustees on the Roman Catholic separate school boards of trustees;

10. Failure of government to respond to the ecumenical study commission's document on religious education in the public school system. If one religious body is granted the full right to a faith-based publicly funded educational system, it is unacceptable that those of other Christian denominations and other faiths be deprived of a similar privilege within the confines of the school system to which they are required to send their children;

11. Lack of sincere concern on the part of the three political parties for the wishes of the electorate in dealing with this issue. These hearings are being held under the unsupportable decision to proceed in September without legislation. Further, these hearings are being held at a time when most people are away and unable to spend time making a presentation. Also, the hearings show a complete lack of concern for the opinions of people in northern Ontario due to the time frames offered there as compared to Toronto.

Concerning the requirements of the Anglican Diocese of Algoma, as previously mentioned the diocese has been communicating its concerns to the Premiers, Ministers of Education, leaders of the opposition and MPPs from the diocese of Algoma's territory since February of 1985.

If this government is truly concerned about dealing with the public in a moral and just manner, it will have no problem in accepting the following requirements:

1. Place an immediate freeze upon all forms of extension of full funding to the Roman Catholic separate school system.

2. The committee should hear, fully consider, and respond in an acceptable manner to all the concerns of the general public with regard to the funding issue prior to any form of extension of funding. The conditions surrounding the work of this committee within the time frame restraints, both as to the considerations of the submissions to the committee and the implementation of the funding, do not give any comfort to this concern.

3. Release completely developed figures showing the total method of financing of this funding implementation, together with a complete statement of its effect upon the taxpayer in all fields of taxation.

4. Show governmental confidence that it is truly representing the electorate in this issue by

bringing it to the public for advice prior to implementation. This could be accomplished in the form of a referendum during the upcoming municipal elections.

5. Place the full matter of constitutionality before the courts prior to implementation. This involves the situation implied in section 93 of the Constitution Act of 1867, including the rights of the Anglicans and Protestants at that time, together with the rights of those of other faiths as directed in section 15 of the Charter of Rights and Freedoms.

6. Produce a policy and procedure statement concerning religious education in the public school system prior to the implementation of the full rights of the Roman Catholic Christians of society.

I now turn it over to Father Winslow.

Father Winslow: I neglected at the beginning to introduce the third member sitting here. He is my son Robert. He is here for the purpose of shuffling my papers and trying to keep me in order, which is a hard enough job at any time.

I would assume Mr. Ward is replacing Mr. Smith; is that correct? Thank you very much.

Now we come to the detail of what we have said in our introductory remarks. The detail shows why we make these statements of concern and put these requirements upon the government.

We fully believe that in this situation the democratic process has been totally shelved. The prime purpose of the electoral process is to allow the public the opportunity to choose an individual who will represent the wishes of the people in his or her riding in governmental decision-making.

The electorate, therefore, has the right to expect the elected individual to place the desires of the people above all other items of priority. It is up to the elected representative to listen to public opinion in his or her riding. He is then morally bound to act upon the stated wishes of the majority of the electorate, unless such wishes can be shown to be immoral and/or lacking in justice for all.

In the case of the issue of the extension of full funding, the electorate has found itself frustrated and disenfranchised. All three parties have come out in support of an issue which has far from a clear majority support from the public. No choice was given the public in the electoral process. Despite the ridiculous claims of some members of the current government indicating the public voted them in because of their views on this issue, there is no difference in party approach. Therefore, none of the parties can logically state it has the public mandate to implement this plan.

Any attempt to do so is nothing more than political doubletalk.

The only option for the public was to show total displeasure with the process being followed by voting out the party which initially determined to implement the funding extension by decree.

Since the election on May 2, 1985, any attempt to protest the situation, in any way to a member of any party, is met with the statement, "The extension of funding is the policy of all three political parties." Such an immovable and inconsiderate attitude on the part of the government, of whichever party it may be at any given moment, can only lead to the question, "Which is more important in the eyes of the politician, the will of the electorate or the policy of the party?"

10:30 a.m.

Any polls which have been published on the matter fail to show any clear-cut will on the part of the people. Usually they have come out in the neighbourhood of—to quote a provincial poll that was published in Sault Ste. Marie prior to the election—45 per cent opposed, 42 per cent in favour and the balance undecided. Under such conditions, why is this government running a railroad? Why can due process not be followed in order to develop public opinion in favour of the move? I would remind you that our diocese is not opposed to the principle; we are strongly opposed to the process.

Why can due process not be followed in order to develop public opinion, to bring the public around to the way of thinking the government would like? Is time so short after over 100 years?

I have further reference to another poll. The Speaking Out program on TVOntario had a long and good program on this very issue. During that program a poll was taken. Some 3,700 people responded to that poll prior to the election and the result was that those opposed were 56.8 per cent of the Ontario public—3,700 is a pretty good sample for that poll—and those in favour were 43.2 per cent.

Former Premier Bill Davis, who made the announcement, is said to have governed by poll. If that is so, there would be no problem in going to the general public in the form of a referendum, despite the responses of this government to the same suggestion, put after we had written this paper, by the coalition here in Toronto.

In the light of these two matters alone, it is no wonder the public feels as though it has no, or at best insincere, representation in the provincial Legislature. In a situation where the will of the people of Ontario is so divided, it only seems reasonable to expect that any government wish-

ing to implement such a move as the full extension of funding to separate schools would follow full and due process of the legislative procedure prior to making it a fait accompli.

This has not been done in this case. In direct and flagrant contravention of morality and justice this government has: (1) implemented the process prior to the determination of the legality of the matter in the light of the Constitution and the Charter of Rights; (2) implemented the process prior to addressing properly the stated concerns of the public; (3) implemented the process prior to disclosing fully the total cost to the taxpayer, and we will show in the next section why we say that; (4) implemented a party policy by decree, despite the stated objections and concerns of better than 50 per cent of the decided electorate.

Items 1 to 3 will be discussed in more detail later on; item 4 has already been discussed.

Such flagrant, totalitarian violations of the will of the electorate, which spoke clearly in its opposition to the governmental style of the then ruling party concerning this very matter, make one wonder about the future of the democratic process in Ontario. If the government thinks nothing of sidestepping democracy in a matter such as education, how long will it be before other matters of great importance are decided without the benefit of the legislative process? Further extrapolation makes one ask: if the Ontario public allows this process to be followed in this circumstance, how long will it be before the norm in Ontario will be government by decree?

To say the public is now being consulted, after the fact as it were, would be an insult to the intelligence of the electorate. With the funding for this year in place by decree of cabinet and Mr. Peterson's determination that the process will go ahead regardless of the outcome of the constitutional hearings, even if he has to change the law or opt out of a section of the Charter of Rights, and with the determination of Mr. Peterson and Mr. Conway not to allow this issue to affect the rights of the rest of society, it is difficult to place any real credence in the sincerity behind the holding of these hearings.

I hope you will believe us when we say that although we really hope we are wrong, it appears to a majority of the public that these hearings are nothing more than window dressing.

Further, the hearings are being held at a time and in a manner that is suspect, to say the least. First, they are being held during the summer months when it is difficult to get the necessary people together to present proper papers. A

government that is really concerned about hearing all the concerns of the people of Ontario, as we have been told it is, would have delayed these hearings until the fall when everyone would have been available.

Second, despite the commitments of Mr. Peterson and Mr. Conway to hear all the concerns of all groups of society, the legislative committee is set up with time limits on the presentations by individuals and groups. As usual, the north is getting the short end of the stick. Sault Ste. Marie, a community of 85,000 people, has been granted local hearings only because people screamed loud and hard. Now the Sault people may make a presentation there as long as it will not exceed one half hour. Otherwise they must travel 700 kilometres to Toronto where they will be allowed up to one and one half hours, an insufficient time to present truly and fully all the ramifications of this tremendously complex issue which is being handled in such an immoral and unjust fashion by all the political parties in Ontario.

When we called to make this appointment we asked for two hours. We were told an hour and a half was the maximum we could have. Of course, we are from the north; we note that the other day the Ontario Secondary Schools Teachers' Federation was allowed three and a half hours. We left a lot of information and material out because we were trying to fit into your time frame.

Further, people living west of Thunder Bay must travel up to 700 kilometres to that centre. If a presentation is longer than half an hour, they must travel an additional 1,400 kilometres to go to Toronto. The costs of travel from the north are very high; the fact we have only two members of our committee here is illustrative of that.

We now find that if a southern body making a presentation claims provincial authority, despite the fact that it may not have northern representation sitting within its membership, the seemingly coincident northern group is not being allowed to come south. Rather, it is being forced to present in the north under the constrictions of the minimal half-hour time frame.

Third, under the current schedule the hearings will be completed by early September; it was August, until so many submissions made the earlier date impossible if the window dressing were to be maintained.

Fourth, the lack of interest in the concerns of the north of Ontario is clearly illustrated by the fact that not one of the members of the social development committee is from the north. Your most northern individual is from Cornwall,

which is hardly the north. The conditions in the north are very different, whether you want to believe it or not.

I am a Toronto boy. I lived all my life in Toronto, Montreal and Ottawa until I went into the priesthood. That was after 13 years working in the computer industry. I spend half my time in the committees on which I sit here in the south interpreting the problems of the north to the south because I now know them and feel them and see them.

Rodger Allan, who conducted the Commission of Inquiry regarding Small Secondary Schools in Northern Ontario, talked to me at one point and told me he knew the north because he had worked in Kirkland Lake and Sudbury. In January, he came to Manitouwadge, a community north of Lake Superior, and admitted to me there that he did not know the north as well as he thought. The north is very different from the south.

Fifth, the time frame of these hearings is such that proper procedure cannot be followed. Normally, the written report would be submitted a month or so ahead of the verbal presentation. Then the actual time at the hearing would be spent in delivering a précis of the report. This would be followed by the presenters fielding intelligent and learned questions and comments from this committee which would develop from prior reading tempered by the verbal presentation. Because of the insufficient time due to this government's unreasonable and morally unjustifiable rush to implement this funding process by decree while still trying to seem interested in the will of the public, such proper and orderly process cannot be followed.

None of the above seems to be procedure established by a government that professes to be concerned about living up to the statements of Premier Peterson on hearing all concerns until they are exhausted. We see in recent newspaper releases the concern the government has for its verbal statements in the Balm Beach affair. The proof or disproof of this attitude will be in the manner in which this government modifies its process in accordance with the will of society as presented in these hearings.

A true sign of being really concerned about the will of the electorate would be for Mr. Peterson to take this matter directly to the electorate by calling a general election in which a referendum would be held concerning this matter, since the three parties agree on this issue anyway. This would dispel the generally held notion he is trying to deal with this problem quickly and then

sweep it under the rug before he has to face the electorate again.

10:40 a.m.

Another approach would be for Mr. Peterson to hold a public vote on this matter during the upcoming municipal elections. I agree with Mr. Peterson and Mr. Conway when they say the Athenian form of democracy is not what we are running here. On the other hand, when you have a situation in which all three parties are taking the same stance and the public, in any poll that has been revealed so far, is so totally opposed, how do you run a government? How do you say you are representing the people?

Another approach would be to hold a public vote on this matter during the upcoming municipal elections. It would cost little, as they are being held anyway. It would guarantee a large turnout for the municipal elections and give a true view of the will of the people. Despite the polls we have seen, some may disagree; but if you really believe you are representing the public, take it to the public and prove it. This would give Mr. Peterson a true view of the will of the people on this matter; assuming, of course, he is truly interested in that.

The least desirable method of showing some concern for the public would be for Mr. Peterson, Mr. Miller and Mr. Rae to have the collective courage to set their members free to vote according to the wills of their individual electorates. By doing this, they would show that the will of the public is more important than party policy. Each individual MPP would have to be responsible to his or her riding for the stance he or she takes.

Our synod includes 65 parish areas and has more than 200 people in the synod itself, representing some 60,000 people. When this issue was brought before it, there was one vote dissenting to the stance of the committee of the diocese, and unanimity concerning bringing this issue to the government. That is how strongly our diocese feels about it. That is another small poll you may want to consider.

We feel the fact that statements have had to be made in the newspaper, in which Mr. Peterson has said his party will be under discipline if they do not toe the line and he has asked the leaders of the other parties to keep their members in line, proves there is a wide range of opinion within the parties. Since all three have a policy that is opposed by the views of such a large segment of society, it is imperative the government take the matter to the public prior to implementation, if democratic process is to be upheld.

No matter which of these moral and just approaches he selects, Mr. Peterson would also have to show respect for the society he claims to represent by delaying any form of implementation of the extension of public funding to the Roman Catholic separate school system through grade 13 until the results of the above votes are known.

In any case, continuing the current process by decree cannot be seen as having any concern whatsoever for morality and justice for the whole of Ontario.

Next we come to the matter of costs, dollars and cents, the effect upon the taxpayer. Despite doubling the previous estimates, we believe we are still seeing only a portion of the total costs of this issue to the public. It has been almost impossible to extract a straight answer from government sources concerning the real costs to the Ontario taxpayer of the plan to extend full funding to the Roman Catholic separate school system. Even more silence has been maintained concerning where the required funds will come from.

The Conservative government estimated an annual cost of \$40 million. The Liberal government has wisely increased this value to \$80.2 million for the first year, and \$123.3 million and \$154.5 million for the subsequent two years. The Liberals have said this figure will make for a total cost of \$358 million after the third year of implementation.

Nobody seems to be speaking about the ongoing costs, from now until evermore, as long as we are funding more individuals in the school system. I am not saying that is wrong, I am just asking: what is the cost?

Following that in the brief is a breakdown of costs as they were given to a previous group, one of the first to present to this committee. Again, there is no word on where these funds will come from. Further, we believe these estimates are still naively low.

One need only utilize simple arithmetic and readily available government data to produce more accurate figures than the government has been providing to the public.

Mr. William Phillips, chairman of the East York Board of Education, produced such figures in a talk he gave on November 15, 1984, to the local home and school council.

The annual cost to fund 31,000 unfunded students in grades 11 to 13 in separate high schools, including ordinary costs at \$3,140 per student in 1984 terms, and extraordinary costs, which in most cases in most boards exceed

\$1,000 per student but are reduced in the interests of being conservative—I say that with a small c—come to approximately \$4,000 per student per year, or about \$124 million per year in overall total.

These figures are those of the chairman of a school board in Toronto. I was formerly vice-chairman of the Lake Superior Board of Education, so I have some knowledge of educational problems.

The cost of upgrading the 37,000 currently partially funded grades 9 and 10 students in Roman Catholic separate schools, including the necessary dollar value to top off the ordinary expenditures, shown in the top figure on the other page—although we are using a lower number when we make our figures, because it is really the 37,000 that are extra—when you add the same factor for extraordinary expenditures, to bring these 37,000 students to full funding would cost \$43.5 million per year. These two figures alone constitute an annual cost of \$167.5 million when the whole process has been completed in three years; that is an annual expenditure, from the third year onward.

In addition to the above figures, one has to calculate the cost of duplicating services in the Roman Catholic separate secondary school system. Mr. Phillips quotes an unnamed member of the commission on financing elementary and secondary education. You can see why he has to remain unnamed. I did not even contact Mr. Phillips and try to find out who he was, but he is apparently a management consultant. He said this will cost 25 per cent in addition of the current total government secondary education expenditure of \$2.55 billion per year. We are talking 1984 figures by the way. In the interest of being conservative—again a small c—Mr. Phillips used 20 per cent, and this comes to an additional \$510 million per year.

Thus, the ongoing total additional expenditure per year, when the whole implementation process is in place in 1987, will be \$677.5 million per year. This represents an increase over the 1984 expenditure on secondary education of 27.1 per cent for this issue alone.

Still there is no indication of where the money will come from. How much of a tax increase can the public expect? Will these taxes be in the form of income taxes, which will affect only the well-to-do, or will they be in property and sales taxes that will affect even those on fixed incomes, such as old age pensioners? What program or programs will be cut in order to

provide funding for this venture? What is the real cost to the individual taxpayer?

The costs are not finished yet. The above represent the annual ongoing operating expenditures that must be borne every year by the taxpayer. They do not include required capital expenditure. Mr. Roland Fobert, assistant director of secondary schools for the Metropolitan Separate School Board in Toronto, estimates he will need \$150 million to upgrade his grades 9 and 10 alone. It is not difficult to extrapolate the total provincial requirement for additional capital expenditures to \$380 million. This does not include capital expenditures for facilities for grades 11 to 13 which have no government support at all at this moment.

Also not included in the above figures is the cost of maintaining viable education in the public school system. Mr. Peterson has already admitted there is a cost attached to this by including a figure of \$6.1 million in his \$80.2 million 1985 cost estimate. More will be discussed about this later in this submission.

10:50 a.m.

I have checked these figures out with members of different school boards across the north. Based on these far more reasonable figures, an estimate of the 1985 increase in education spending, in 1984 dollars, would be: to upgrade the 37,000 students, \$43.5 million; to add the 14,888 grade 11 students, \$59.6 million; duplication of services—and we have guesstimated here: of the \$510 million cited above, 40 per cent would be required for duplication in the first year; it is a debatable figure and not included in any way in the current figures—\$204 million; assistance for the public system as above, \$6.1 million; for a total cost to the taxpayer of \$313.2 million in 1985.

The above figures make no allowances for capital expenditure requirements, which will most certainly come. Further, even if the duplication-of-services figure were to be disputed, one can easily see that the current government estimate is nowhere near the costs shown by the straight arithmetic above. We have not figured in the cost of all the commissions that are sitting. Who pays the costs for the various commissions and review boards that are being set up? By your legislation, the Newnham commission appears to be sitting for 10 years. Who is going to pay this cost and how much is it? It is not in the \$80.2 million.

Thus, it can be easily seen that even Mr. Peterson's increased figures reveal only about 26 per cent of the annual cost increases for operating

expenditures only. Further, this government's figures make no allowance for capital expenditures which will most definitely be required.

The Martin plan is another area of very serious concern to northern school boards. The plan is proposing a means to theoretically equally distribute the provincial industrial education tax. On the surface this may seem like a good plan, but it continues to perpetuate the government fallacy of education moneys being distributed on a per pupil basis. Thus, northern Ontario communities will face the possibility of not being able to deliver some grades of education due to unreasonable costs to the property taxpayer.

The theory of the Martin plan is to take all moneys into a central pool and redistribute them according to pupil population. This plan does not recognize the need for increased industrial funds in the north to help pay for the extremely high heating bills we have, the electricity bills which are far above what you see down south, the maintenance to the buildings caused by the cold and the general weather conditions.

Neither does it recognize the need for additional funds to help finance upper grades in classes that require a teacher for five or six students, unless you are going to make them travel to Thunder Bay, Sault Ste. Marie or Sudbury. That situation was there even before the Martin plan. We face it in the Lake Superior board all the time. To provide grade 12 and grade 13 education in certain subject areas that are mandatory for university requirements, we have five and six students facing one teacher.

The loss of industrial tax base funds would have been devastating under the previous conditions. However, under the new conditions with the money returning to two separate, parallel educational systems, the possibility of providing quality education in the upper grades will be eliminated. In short, the currently projected government plan could put education for the upper grades of secondary school in the north back 30 years.

The taxpayer in the small northern communities who is faced with very high property taxes cannot afford more than the current 55 per cent to 65 per cent school tax burden. I cite the case of Manitouwadge, where the average property tax was \$1,100 to \$1,200. In an \$1,100 tax bill, the school tax was \$655 per year for secondary school education in Manitouwadge.

A further problem that is extremely difficult for the taxpayer to fathom is how this tremendous additional expenditure on education is going to be absorbed when government finances are in

such a poor condition. Lately, Mr. Peterson has been saying the provincial books are in such bad shape and the financial structure is so weak that the province may lose its top credit rating. Further, he has hinted a tax increase may be necessary just to clean up the mess he says was left behind by the Conservatives.

If this condition is true, how can this Liberal government even consider such astronomical increases to the education budget? Despite their great desire to receive full funding for their schools, any morally minded Roman Catholic who is also a taxpayer must seriously consider this problem. It is obvious that the public school taxpayer has to ask the question in the interest of his tax dollar and the quality of education in the public school system.

Some people may not agree with the figures we have presented. Perhaps the figure for secondary duplication is a little high. I cite the fact that every other group that has come in, especially the Canadian Union of Public Employees yesterday, has questioned whether there will be enough money to support both systems and has said the figures are low.

In the light of the above financial details, the government should consider itself morally bound to delay any form of implementation of this funding until the full costs are accurately known and their source is made clear to the public.

Now we come to the constitutional review. We believe it should be done. We believe what is being submitted is only the tip of the iceberg. It is an attempt to look at one little aspect and cover it as quickly as possible. To date, the Ontario government has made it very clear it intends to submit to the courts only the question of Roman Catholic rights concerning the funding of the Roman Catholic separate school system. The government has made it very clear it sees no changes in the rights of those of other Christian denominations or other faiths as a result of this move.

In limiting the so-called constitutional review, the Ontario government is indicating it is concerned only about the rights of Roman Catholics that may have been denied over the past 118 years. It has no concern for the rights of the rest of the people of Ontario whose rights have been equally denied for a long time. If the Ontario government were truly concerned about the full implications of the move towards full funding, it would have to submit a full review of the rights of all citizens of Ontario to the courts.

This would mean giving recognition to the fact that the public school system, at the time of

Confederation, was an Anglican-Protestant system based on Christian principles. Teachers were required to uphold the Christian faith and moral principles in their teachings and lifestyles. Although pluralism existed in the sense of multidominationalism and multiculturalism, the basis of education was the Christian faith.

Today this does not exist. Since 1945, the Ontario government has gradually, but unilaterally, usurped the non-Roman Catholic Christian school system, then often called the Protestant school system—despite the inclusion of Anglicans, who are Catholic in every sense of the word—to become the pluralistic, secular, non-religious public school system we see today.

Thus, if any constitutional review is made concerning the extension of full funding to Roman Catholic separate schools, which are based upon their form of the Christian faith, it must also include a review of the rights of non-Roman Catholic Christians to their educational system with full funding. Further, if one is found to be constitutional, then the other must also be found to be constitutional.

Any such review must also include the rights of non-Christian faiths, including agnostics and atheists, to education according to the dictates of their faith. This would involve a thorough analysis of section 15 of the Charter of Rights in the light of any decisions made by the implications of the Constitution Act of 1867. Thus, a proper constitutional review that respects the whole of Ontario society must be undertaken. The currently planned review is insufficient and unacceptable as being indicative of any true measure of total justice for all.

By proceeding without having received the results of a full and proper review of the constitutional rights of all the citizens of Ontario, the Ontario government is making a clear statement of its immoral lack of concern for the just rights of the electorate.

In order to correct this abominable and totally unacceptable situation, the Ontario government must show its true concern by delaying any form of implementation until a full constitutional review has been performed by the highest courts in the land.

Time should be no problem. The whole process could be carried out in such a manner that changes could be made within two years. This is a further delay of less than two per cent of the time already expended since Confederation. The government is faced with saying whether or not the rights and concerns of the majority of the

people of Ontario are worth a two per cent time delay.

11 a.m.

We said at the outset we were not against the principle of funding. We now say we are concerned that the legislation as it is written will actually result in the destruction of the separate school system. Oddly enough—well, I will not because it would be immoral to do so—but I was talking to an MPP who sits in this government and he told me on the quiet that what he is telling those who oppose the issue is, “Oh well, this legislation will take care of that school system anyway.”

The Roman Catholic separate school system is to be destroyed. The Roman Catholic separate school system represents a unique and invaluable Christian alternative to the public school system. It provides an environment in which an individual can be educated in a totally Christian milieu.

The school system is not different just because it teaches classes in religion. Rather it is different and totally desirable because of the spiritual and moral values of the Roman Catholic version of the Christian faith that permeates every class and extracurricular activity of the school.

Therefore, the student is not only taught the precepts of his religion but also experiences the living of that faith throughout the educational experience. The student is given the opportunity to struggle with the expression of true Christian faith in practice, but he is also in an environment where he can be assisted when problems arise concerning faith expression.

This environment is made possible by the fact that the teachers in the system all uphold the faith being presented in their teachings and lifestyles. Further, all the students are exposed to the same religious teachings and are expected to work together in putting their precepts into practice.

The currently proposed legislation, which is being effectively supported by all political parties, has the potential to completely eliminate the Roman Catholic separate school system over the next 10 years. Whether or not this is an intentional move, if Roman Catholics accept the current proposals they will be signing the long-term death warrant for this unique and beautiful educational system. Unless their intention is to grab the money now and fight the system later, a stance that would be morally unsupportable, the end result will be unalterable.

This government's proposed legislation requires the separate school system to accept any and all teachers declared redundant due to the

implementation of separate school funding over the next 10 years. There is no requirement for that teacher to be willing to uphold the faith principles of the separate school system. Neither is there any province-wide procedure for transferring only those teachers who could support such faith principles.

If the separate school is required to accept all teachers regardless of faith and personal moral standing, and if due to the receipt of public funds this hiring practice is to be extended to all future hiring, although such justice is not currently provided for, it will not take long for the special milieu of the separate school system to be eroded at the teaching and authority levels.

I say this being quite aware of John Fauteux's statement that 400 or 500 teachers will not spoil the character of the system. However, I also have in my file the Roman Catholic bishops' document that says they will accept no more than 10 per cent non-Roman Catholic teachers. I also have figures that say for every 100 students displaced, six teachers and three support staff would be lost. There are 6,300 students going this year; that means 378 teachers and 189 support staff.

Mr. Timbrell: Could I have that document with the 10 per cent?

Father Winslow: I can show it to you. I cannot give it to you.

Mr. Timbrell: Is it a document or a press clipping?

Father Winslow: It is a document.

Mr. Timbrell: Is it a document of the bishops?

Father Winslow: Yes.

Mr. Timbrell: I would like to see it.

Father Winslow: Yes. They also say they are willing to accept non-Roman Catholic students only as in the past, and the quotation from that document is "by favour." I believe it is dated November 1984. You can make a copy of it if you wish.

Mr. Timbrell: Do you have it with you?

Father Winslow: It is here in my file.

If the separate school is required to accept all teachers regardless of faith and personal moral standing, and if due to the receipt of public funds this hiring practice is to be extended to all future hiring, although such justice is not currently provided for, it will not take long for the special milieu of the separate school system to be eroded at the teaching and authority levels.

The legislation requires that non-Roman Catholic students be accepted into the separate school system if space is available, which is not a morally valid concept. Further, such a student must be allowed exemption from religion classes if he is there for reasons of program or distance.

If the Roman Catholics accept this item as written, it will not be long before the student population of their schools is not even attempting to live the faith for which the school has been established.

After a period of time, during which such erosion is active, and it becomes apparent to government officials there is little, if any, difference between the Roman Catholic separate school system and the public pluralistic school system, there will be a move by government to save dollars from the public purse—quite honourable—by combining the two systems. Since the taxpayer is always concerned about saving tax dollars, especially after this additional amount has been added in this situation, it will be no problem to combine the systems as proposed.

Thus, the Roman Catholic separate school system will have been successfully absorbed into the pluralistic public system. Legislative procedure will have been successful in destroying this most valuable part of the educational process in the province.

When I speak about the Roman Catholic separate school system, especially at the secondary level, I am speaking not only from a level of theory but also of practice. I was educated in a Roman Catholic secondary high school. It is one of the most beautiful experiences that ever happened to me in my life. I am an Anglican priest, but I am probably an Anglican priest today because of those Roman Catholic people, and because of the education I received there. So when I talk about that milieu, when I talk about that situation and when I uphold that situation, I am talking about what I know about first hand and not only about which I have been told.

Fortunately, the solution to this problem is quite simple. The government need only ensure that only those teachers, without regard for personal faith but with regard for personal moral lifestyle, who are willing to uphold the faith of the Roman Catholic separate school system in their teaching are offered for transfer.

The same hiring practices should be required in situations of new hiring as well as transfers. It is quite conceivable there are many non-Roman Catholic Christians who would rather teach in a Christian environment. Since this is the only such publicly funded environment currently

being allowed by government decree, the government is morally bound to ensure that Christian teachers who are willing to uphold the faith-moral stance of the Roman Catholic system have equal access to that system. This provision must continue indefinitely and not for just 10 years.

Further, the publicly funded separate school system must be required to accept all pupils wishing to attend in the same manner as the public school system. The student wishing to attend the separate school system must do so accepting the uniqueness of that system and all its religious requirements. Such a student should be educated in exactly the same way as the Roman Catholic student attending that same school. The only exception to this would be where the person is attending for reason of program or because the school is the only one in the community. The legislative use of the term "distance," as it is currently in your draft, is too vague and open to much misuse and abuse.

For instance, I know of situations where people did not go to the public school but were accepted into the Roman Catholic school in the community because the public school was a half mile away, and vice-versa. So distance is a bad term; the only school in the community, great.

If these three suggestions are incorporated into the legislation the uniqueness of the separate school system is guaranteed. Also, the system, the teachers and the pupils will be treated fairly and equitably.

Again, we must call for immediate delay on all forms of funding extension until the legislation can be adjusted to present justice for all. The current form of legislation, whether knowingly or unknowingly, while being unfair to teachers and pupils, would lead to the destruction of the very necessary and essential Roman Catholic separate school system.

Having spoken out in favour of Roman Catholics, who we hold very near and dear to us in Algoma, we now have a concern for the viability of public education. The government of Ontario has continuously made verbal commitments to the electorate that the public school system will not suffer from the extension of full funding to the separate school system. Mr. Peterson has even included a fudge factor in his already grossly understated costs—despite the increase over those presented by Mr. Davis—to ensure continued viability of the public system. This \$6.1 million, however, is really 0.02 of one per cent of the total secondary education budget for last year, and no long-term policy or procedure has been forthcoming which will truly

guarantee the future of viable public education in Ontario.

The problem does not rest solely in the number of students who will transfer from the public system to the separate school system over the next three years. In fact, the effect of this group, although real, will be minimal in the light of the future nonregistration in the public school system at all levels due to the extension of full funding.

11:10 a.m.

The public secondary system must face up to much lower numbers of students entering grade 9 because of the ability of the Roman Catholic elementary school children to continue in their own system. This is further compounded by the numbers who will not transfer into grade 11 for the same reason. The public elementary system will suffer due to more families entering the separate school system because of the ability to have their complete education in the Roman Catholic Christian environment.

I cite another example in the north. A public school of 200 students stands to lose more than 25 per cent of the student population due to this move. A school of 200 students will now drop to under 150 students over a period of time as these nonregistrations occur. As a result of this decision, the total public school education system, elementary and secondary, is going to shrink drastically in numbers of students. Most of this shrinkage will be due to this plan to extend full funding to the separate school system.

Since funding is supplied to schools in accordance with the student population figures for each individual school within a board on September 30 and January 31 of each year, it is evident that the per capita dollars will be reduced greatly from current levels. The problem is further compounded by the fact that the cost of programs does not fluctuate in a linear fashion in accordance with the number of students. It is inevitable that the number of teachers, and therefore the number of programs, will be greatly reduced in the public school system because of this governmental decision by decree.

Prior to the May 2 election this year, Archbishop Lewis Garnsworthy demanded a commitment to government funding of education by program and not by student. Neither the two Conservative governments nor the current Liberal government which have since existed, have had the courage to respond to this concept. It would be costly; however, it is the only way to guarantee viable education in the public school system.

In fact, even under the previous system of education in effect until last month, many northern communities were going to require funding by program if education at the grade 12 and grade 13 levels was to continue. This problem is now even further compounded. Small cities, such as Sault St. Marie with 85,000 people, may find themselves facing a class of eight or nine students in some courses. Yet these courses must be given for education to be viable. Funding by program will be the only way these courses will be able to continue.

If the government is going to be morally concerned about the future of the public education system, it must produce firm and just policies and procedures and implement them. Verbal guarantees are useless. Political talk is cheap. This is especially so when one is dealing with a minority government situation where the tide can change at any moment. The future of the public school system depends upon the implementation of these guarantees. Until the viability of the public school system is guaranteed, the extension of funding must be delayed.

Now we come to the matter of teachers. A member of this committee made a rather feeble attempt to justify the breach of fair labour relations, but we still hold that the teachers have not been treated fairly. This government has decided to implement full funding to separate schools. It will have a major effect upon the teachers, and therefore the teachers and the school boards must figure out how to deal with it. But the government guarantees that no jobs will be lost. In short, the government makes a decision and everyone else is charged with making it work.

The government is boasting that no teacher will lose his or her job due to the transfer of students from the public school system to the separate school system. However, the government is not talking about the cost to the teacher just to keep a job. Here we are not dealing with the religious issues discussed in the previous section of this submission; rather we are dealing with this teacher's potential life earnings and progression.

The government is not talking about the fact that most teachers who are being transferred are also being red-circled. This means that although the teacher transfers with full income and benefits he or she is then stalled at that level until the separate school rates catch up to the point where the teacher has already progressed. In short, because the separate school pay scale is lower, this transferred teacher's lifetime earnings

potential is seriously curtailed by a government decision which has been unilaterally imposed by decree.

It is true the teacher still holds a job, but it is difficult to comprehend how all three parties can support such unjust and immoral labour practices. It is simply not morally correct to legislate a loss of earning power to an individual whose life has been dedicated to the education of young people.

Another problem arises in terms of future growth potential. In some separate school boards, only Roman Catholics can be considered for the positions of vice-principal, principal or higher. Thus, in forcing such transfers, the government of Ontario is not only curtailing lifetime earnings but is also limiting the scope of some of these individuals' potential advancement. Making statements and setting up review boards does little to solve this situation, as everyone who has ever lived in the real world knows.

Further, in a provincial education system, each region is expected to work out its own deal. This is not seen as an attempt on the part of the government to be fair but rather as an attempt to shirk responsibility for equitable decision-making.

When the above unfair practices are combined with the problem of expecting teachers who may not be able to support the religio-moral milieu of the separate schools to transfer or not have a job, this problem becomes unsupportable on the part of the government. Further burying oneself in the sand will not make it go away either.

If this government is really concerned about moral and just actions, it must stop all current agreements and transfer procedures. Then the government must work out with the school boards and the various teachers' associations a province-wide agreement. This agreement must protect the integrity of the separate school system, the public school system and the teachers.

The following items must be guaranteed:

1. No teacher must lose a job due to the extension of full funding, either due to transfers or nonregistration. Nonregistration is not clearly indicated in the current legislation.
2. No teacher must lose wages, either real or potential, due to a transfer from one system to the other.
3. No teacher must lose benefits, either current or future, due to a transfer from one system to another.

4. No teacher may be limited in growth potential in salary or position due to a transfer from one system to another.

5. The separate school board must not be obliged to accept any teacher who will not be able to uphold, in teaching and lifestyle, the special milieu of the Roman Catholic educational system.

6. All teachers must have equal access for current or future employment in either the separate school system or the public school system. The only limitation should be that teacher's willingness or unwillingness to support the tenets of a particular system.

Correction requires delay. In order to correct a situation that has resulted from the mishandling by government, it is imperative the government delay implementation of any form of extension of funds until the fair treatment of teachers is worked out and implemented.

The government now has an opportunity to show real concern for moral and just dealings with its teachers. If such is not done, no one in Ontario could blame the teachers for going on an indefinite strike over the injustices of this plan in the fall of this year. I say that as one who is totally anti-union in most circumstances. I am working with a very strong unionist at the same time.

In regard to the issue of universal student access, in addition to creating a serious problem for the Roman Catholic separate school system, as shown in an earlier section of this submission, the legislation also presents an unfairness to the non-Roman Catholic student who may wish to attend a Roman Catholic separate school in order to receive a specifically Christian education.

The current legislation requires universal access to the separate school system for all students as long as there is space available. This loophole makes it possible for individuals who are willing to accept the Roman Catholic milieu in order to receive a Christian-oriented education to be legally turned down by any given Roman Catholic separate school board. Such a deviation is inequitable and unjust, since the Roman Catholics are the only segment of Christianity who have been decreed by government to have a right to provide a Christian-oriented education.

Further, current legislation only provides for such accessibility to be at the secondary level. Again, this is unacceptable for the same reason as above. The whole of the publicly funded Roman Catholic separate school system must be accessible by Christians of other denominations.

11:20 a.m.

In order to make the legislation fair and equitable for all students and yet provide for the integrity of the Roman Catholic separate school system, the following amendments must be incorporated:

1. The separate school system must be charged with making room for all students who wish to be educated in that environment.

2. All students wishing to be educated in the Roman Catholic separate school system must be willing to take part in all aspects of the milieu of that system. This includes religious education and living the lifestyle required of students in that system. The only exception to this should be where such attendance is for reason of program or due to the separate school being the only one in the broader community. Again, the current term "distance" is far too ambiguous and is, therefore, unacceptable.

3. Such universal access must be at both the elementary and secondary levels of education.

To guarantee that justice be done by the inclusion of these amendments into legislation, the extension of funding must be delayed until they are incorporated and the legislation has been passed. Any other approach will certainly clearly illustrate this government's lack of concern for moral and just implementation of this whole plan.

Mr. Kidd will continue with the next two sections.

Mr. Kidd: Trustee redistributions and reallocations: the government has given very little thought to the trustee situation. With the current distribution, one or two abstentions by publicly elected trustees can allow decisions on public school boards to be controlled by Roman Catholic representatives on a board. In this light, many so-called public school board decisions concerning the extension of funding issue must be considered as suspect.

For example, in Sault Ste. Marie a recently held meeting of the school board took a vote on whether the Sault Ste. Marie public board would support the Metro Toronto position on funding. The vote went against the motion. Two public school supporters were absent, but there was a full contingent of separate school supporters. It seems to me there was a strong conflict of interest on that board for that vote; therefore, the decision was very suspect.

Despite the drastic reduction of Roman Catholic students in the public school system over the next three years, the government has not seen fit to alter the number of Roman Catholic represen-

tatives on the public boards accordingly in the 1985 municipal elections.

It is true the legislation provides for separate school trustees on the public boards to be relieved of their duties when the separate board undertakes to become a secondary school board; however, the legislation is unclear as to just when such an undertaking is deemed to be operative.

If such an undertaking does not occur until the separate board has totally taken over the whole of secondary education for Roman Catholics, the imbalance in favour of Roman Catholics during the transition period will continue. On the other hand, if it is operative as soon as a separate board undertakes to supply any secondary grade level to which it is entitled, the Roman Catholics will be devoid of any representation in the system in which many of their young people are still being educated.

In either case, the current provisions are far too simplistic; they are unworkable and unacceptable.

To further compound the problem, the government, despite the extension of full public funds to the separate school system along with the guarantee of access to non-Roman Catholic students and teachers, has made no move to provide for public trustees on the separate school boards. Although one could make a possible case—through the use of politically oriented oral gymnastics—for the norm to be such in the long run, the inclusion of public trustees on a separate school board that is the only board in a community is an absolute must.

The net result of the fall elections this year will be overrepresentation of Roman Catholic trustees on the public school boards, coupled with no public trustees on the separate school boards. Such an inequitable situation must be seen as a total lack of concern for justice on the part of the implementers of this plan.

The clearly evident lack of concern for moral justice in this situation screams for delay until the trustee situation can be corrected. It is unacceptable to say it will be corrected by the next municipal elections in 1988. It says this government is willing to allow one segment of society to have an inequitable and unjust edge in critical decision-making over the three years of the implementation of the extension of full funding and the reduction of services in the public education environment.

I did not receive the legislation until late and I am not a lawyer. In my work in the union, however, I dealt with a lot of labour law and read a good deal of law. On reading over Bill 30, I felt

it would make a field day for the lawyers considering the challenges that could be made to this act, taking into consideration Bill 80 which deals with the rights of education in the system. I was rather astounded at the quality of the bill—or lack thereof.

In December 1984, the Ecumenical Study Commission on Public Education submitted to the Minister of Education a document entitled *Religious Education in the Public Schools of Ontario—Elementary and Secondary*. The Anglican Diocese of Algoma, through Bishop Leslie Peterson and Father Larry Winslow, sent a letter to the then Premier and Minister of Education and the MPPs within the boundaries of the diocese of Algoma endorsing this document in principle.

Aside from the fact the document is being studied within the Ministry of Education, no word has yet come out from the government concerning its position on the implementation of proper and acceptable religious education within the public school system of Ontario. It is interesting to see how slowly this project is being dealt with in comparison to the unjustifiable speed with which the separate school funding issue is being expedited.

Despite the fact the diocese of Algoma sent a release on March 23, 1985, stating its concerns about religious education in the public school system to the same mailing list as above, no member of the government, the party in power or the opposition has had the courage or conviction to respond.

In extending full funding to the Roman Catholic separate school system, the government effectively is saying it recognizes the right of one segment of Christianity to a Christian-based education. All other Christians, however, must be relegated to the pluralistic, secular public school system, despite the fact the government has unilaterally usurped the Anglican-Protestant Christian school system to be this pluralistic system. Further, the right of faiths other than Christianity to educate in their faith is never even considered.

The extension of full funding to one religious body can only be seen as acceptable if the same or a similar right is extended to those of other Christian denominations and non-Christian faiths. In order to avoid a total confusion of multiple school systems, the Ecumenical Study Commission document calls for interdenominational and interfaith education about religion, which is not a program of religious nurture, in the whole range of the public school system.

11:30 a.m.

It is designed to allow the students to learn to understand and appreciate the multitude of basic religious expressions that exist in Canada. Further, the required knowledge of such faiths which comes from the incorporation of these courses within the core programs at both the elementary and secondary levels, allows the student to more fully comprehend the significance of historical, literary and social science studies.

The Anglican Diocese of Algoma sees religious education in the core program as the only viable means of remaining in the public education system. In the absence of such instruction, the diocese would be compelled to join with many other concerned non-Roman Catholic Christian sources in working towards the reinstitution of the constitutional right to a publicly funded Anglican/Protestant Christian school system, or even denominational schools if necessary.

This government is working hard to speedily serve the wishes of the Roman Catholic church. However, in doing so it is completely ignoring the needs and rights of all other Christians. Further, it does not seem to even have considered looking at the rights of those people who adhere to non-Christian faiths.

The government must look into equity for all before granting any form of full funding to the Roman Catholic separate school system. No other approach can be seen to show concern for moral and just implementation of the funding extension.

Father Winslow: I know we are tight for time, but we are now at our conclusion.

It must be reiterated, and this is in block letters in the document in front of you because we have a hard time getting this across to people, the Anglican Diocese of Algoma is not opposed in principle to the extension of full funding to the Roman Catholic separate school system.

However, any such implementation must be undertaken with sensitive concern for moral and just treatment of the whole of Ontario society. The diocese of Algoma accepts the probability that such an extension of funding is not only constitutional but also the correction of a right which has been long overdue. This, however, leaves the question of constitutional application. Is today's society to be hamstrung by dictates over 100 years old? On the other hand, how can individual rights be guaranteed when society is faced with a government in power—and an opposition—which would like to act in a unilateral,

totalitarian fashion while claiming the rights due a parliamentary system.

Such an implementation cannot, indeed must not, ignore the coincident concerns and moral rights of the rest of Ontario society.

Due to many factors, such as unreasonable rush, lack of knowledge and understanding on the part of the government personnel making the political decisions, a complete lack of concern for the full democratic process and the apparent placing of political expediency above the wishes of the electorate, the implementation procedure has become a real mess. That is being kind.

It is totally ludicrous to say things have gone too far to be stopped at this point. Let us face it: these problems will be much more difficult, if not impossible, to correct at a later date. Thus it must be stopped now, unless it is the government's intention to make the process irreversible prior to receiving proper reviews and public input.

It is a total breach of democracy to undertake any form of implementation without legislation when there is some doubt as to its very legality. Further, it is incomprehensible that a government would misuse its powers in this manner to implement an item that has been so hotly disputed by members of the public, from whom no clear majority opinion in either direction has evolved. A truly concerned government would obtain a clear direction from the electorate—one that is not a party vote when the three parties are in agreement—before going ahead with the legislative process.

The taxpayer has every right to be informed prior to implementation as to what the real costs of the process will be. We have shown you figures of \$677.5 million per year. Obviously, the gentlemen of the committee are not going to agree with us, but the figures are based on facts and are straight arithmetic. The answer probably is somewhere between, but we think it is close to that high figure. Many other people in the field of education believe that as well.

The taxpayer must be told, prior to implementation, by how much taxes—in whatever form they may come—are going to increase because of this legislation once it is passed; especially in the light of the stated poor condition of the Ontario Treasury and the tax increases that will be necessary.

It shows a total lack of moral responsibility to the electorate to implement any form of this extension of funding without a full constitutional review, covering all aspects of constitutionality as outlined herein. That refers to the Roman

Catholics, Anglicans and Protestants and to non-Christian faiths as well.

Proper plans must be made for fair and equitable treatment of the teachers. It is difficult to see how any of the three parties, especially the New Democratic Party which is committed to fair labour practices, is supporting a system which has resulted in such violations of the basic labour rights of teachers. It could be considered that the hidden purpose behind the whole move, rather than to supply rights to Roman Catholics in separate schools is to destroy the Roman Catholic system, while at the same time breaking the power of the Ontario Secondary School Teachers' Federation. We are not saying these are the reasons; we are saying it is something that must be considered.

Proper plans must be made for fair and equitable treatment of the teachers. The student-access problem, along with the problem of ensuring the integrity and continual survival of the Roman Catholic separate school system, must be addressed and corrected. The process cannot viably continue without such corrections.

The problem of trustee representation must be solved prior to commencing the implementation. It is ludicrous to expect a fair implementation of the overall plan when the balance of power will be so heavily skewed in favour of one segment of society, whichever way it goes.

Finally, the government must address the problem of reinstitution of full and proper religious education into the core curriculum of the total public elementary and secondary school systems prior to this extension of funding to one segment of Christianity. The acceptance by the balance of the religious community of this funding extension to Roman Catholics hangs very much upon such a decision.

The Anglican Diocese of Algoma supports the principle of the extension of full funding to the Roman Catholic separate school system, but demands a delay in the implementation until its concerns for morality and justice have been addressed and satisfied. Failure to do so will clearly demonstrate this government's lack of respect for the democratic process and the electorate that placed it in its position of power.

This report has not just come out of the blue. It has been prayed over by many people; the committee itself, the diocese and the bishop. We believe that our concerns for morality and justice have been presented as not only ours but those concerns expressed in our understanding of God's will. It is our further hope that this

committee, this government, will accept them and act accordingly.

We believe that even the Roman Catholics—once they can get away from the excitement of having finally received what probably has been their due for 118 years—whose bishops have spoken so well in the last few years against political and economic injustices in Canada, will recognize the total immorality and injustice in this process to give them what they deserve.

The standing committee on social development and the government of Ontario are scrambling to make Brownie points with that large Roman Catholic block of the electorate. Let us face it, this is a political move which completely disregards the rights of everyone else. You must remember that the Anglicans, Baptists, Presbyterians, Lutherans, the United Church of Canada and all other Christian groups that have spoken, have at least demanded a delay. If you do not recognize that large block of the electorate, can you say you are acting as the elected representatives of the people of Ontario? Can you say you have a moral concern for justice for all? This report seems to indicate not and I personally think not.

11:40 a.m.

Mr. Chairman: Thank you, Father Winslow and Mr. Kidd, for your very thorough report. By the way, I got the copy of the pastoral guideline you have offered to us. We are having some difficulty getting a good copy because yours is a little faded already. We are trying to get another one for committee members by 2 p.m. If not, then we will photocopy the faded copy for you at 2 p.m.

Father Winslow: It is a very bad copy but it is what was given to me. I am sorry, that is all I could offer you.

Mr. Chairman: We will try to get a better one. If not, by this afternoon all committee members will have this in their hands.

Father Winslow: Thank you.

Mr. Reyecraft: A comment is made early in the statement and reiterated on page 30 that the diocese is not opposed to the principle of extension. This is followed by the statement that it is probable it is constitutional and that it is the correction of a right long overdue. In the light of many of the other arguments, however, those statements almost seem contradictory.

Perhaps I could ask it this way: the statement says the diocese is not opposed to the principle of extension; I would ask whether it is in favour of

the principle of extension, recognizing the fact there is a middle ground?

Father Winslow: When saying we are not opposed to the idea of extending funding and saying we rather think it is according to the Constitution, we actually believe that at some point in the future this funding should go through.

What we are saying is there are many concerns that have been addressed. If you take a look at the coalitions that are coming to visit, and I happen to be president of the Sault Ste. Marie coalition as well, their views vary from totally opposed all the way to agreement with the stance we take. We are in favour but we want these questions answered first; we want to see what it is going to cost and how we are going to work these things out. We believe the effect in cost on the taxpayer, for instance, is going to be very heavy, but nobody has said how it is going to be paid for.

We are concerned about making sure both school systems can be viably supported and continued as a dual parallel school system and supported financially. I spoke on the telephone last February 19 to a fellow priest in the diocese of Toronto. He was concerned that what was probably going to happen was that since the funding would be going to both systems, it would be keeping education at the lowest common denominator. That conversation was with a priest who currently sits in this government.

We are in favour; but we want questions answered, we want to get this worked out so that there is a minimal effect and it is really a viable thing that recognizes not only Roman Catholic rights but the rights of non-Roman Catholic Christians and non-Christian faiths.

By the way, may I just say that I understand that question. It is very hard to see how we are supporting something in the light of all the arguments we are putting forward, but we are.

Mr. Timbrell: I understand his grace the archbishop is opposed to the extension of funding.

Father Winslow: He has never come out and said he is opposed to the extension of funding. I have sat in on meetings with the Ontario House of Bishops, and if you will remember the week following the famous controversial statement from the archbishop that came out just prior to the election, another statement came out of the house of bishops, of which he is chairman. I was at that meeting, talking about this issue and everything else, and the statement came out saying almost exactly what we are saying here: we are not

opposed to the funding but we are concerned about all these issues.

In my own understanding of what the archbishop has said, he is not opposed to the object of the legislation, but he is to the manner of the legislation.

Mr. Timbrell: The process.

Father Winslow: It is the process by which it has been implemented and so on.

Mr. Timbrell: I take it then that his position would be consistent with the report he signed 15 years ago recommending full funding.

Father Winslow: If you are talking there about when he was a member of the Ecumenical Study Commission on Public Education and the initial goal was to work towards full funding, he was and still is in support of that. The other goal was to put religious education into the public system and we are still working on that. I am now a member of that commission myself.

Mr. Timbrell: I wanted to clarify that because I had the same problem Mr. Reyecraft had as I read along with you and listened. It almost seemed as if you protested too much, saying how much you support the principle and having so many "buts" throughout. It was difficult to reconcile.

Father Winslow: We do hold that stand. We have had to make it very clear and say it very often. So often when we say we are not opposed but we want these things answered before it goes into effect, it comes out that we are against the Roman Catholics. We are not, but we want to have these questions answered and to have this done in full and due process in a logical progression.

I am sure we can convince the Ontario public that it is a good thing, but the public does have to be convinced. Right now it is not, and that is what we are concerned about.

Mr. Chairman: There is another supplementary for you, but I will ask Mr. Cooke to take the chair. Unfortunately, I have a meeting I have to go to at the hospital. I will be back this afternoon and I apologize for having to leave.

Father Winslow: Is Mr. Ward in for questioning?

Mr. Chairman: He is, but supplementaries are piling up. Mr. Jackson is first and then Mr. Ward.

Mr. Jackson: I would like to ask Mr. Reyecraft's question another way by the use of the hypothetical. You make reference in your brief to a referendum or a plebiscite on the issue, and

extend the argument that if we were to follow the wishes of the electorate on this issue totally we would abandon the extension of public funding for separate school education.

In that context, would you then come before the social development committee to present a brief in support of separate school funding, given the conviction you have tried to clarify in your brief?

Father Winslow: You should realize that before you took it to the public you would have to answer these questions in a way the public would understand.

Mr. Timbrell: Who is going to decide how the public understands or if it understands?

Father Winslow: It is when you are happy you have the public understanding your situation and ready to support it. We would be quite prepared to help with that presentation to the public, if you gave us the material to work with. It is a matter of convincing the public so your referendum would come out in favour; if you went right now, it would come out against. We hope we could work it so the public would understand, and the cost factors and everything else would be satisfactory to the public when you went to it.

I do not know whether we would come back to the social development committee immediately, or whether we would continue to work with the public and with the government to try to make this thing viable in the long run. You cannot do it the way you are doing it in the short run; it has to be a longer run and it has to be done in a way the public is willing to accept.

I believe, my committee believes, my bishop believes and the whole diocese believes it can be implemented, but not the way it is being done right now, which will cause friction on the way through. We are quite willing to work with the government, if it gives us the right figures to work with, and to try to sell it. We believe it is a valuable form of educational system, but we cannot help to sell it when these questions and concerns, covering all that we have identified here, are not addressed and responded to in a sufficient fashion.

I think the people from the Coalition for Public Education in Toronto said if you go to the public and the public says to go ahead with it the coalition would accept it. We can convince the public to accept it but it must be done in the proper fashion with all the questions answered. You cannot do it by September. Is that sufficient, sir?

Mr. Jackson: It gives more clarity. Thank you.

11:50 a.m.

Mr. Ward: I am having the same difficulty other members of the committee are apparently having in reconciling your statement that, in the opinion of the Anglican Diocese of Algoma, "such an extension of funding is not only constitutional but also the correction of a right which has been long overdue," with the balance of the presentation, which seems to indicate to me that it is the position of the diocese that it is too expensive and should not, therefore, proceed.

That does not seem to be a concern with regard to morality or justice. What about justice for the separate school families throughout this province who have had to use their own funds to continue their system of education?

Also, three or four times you seemed to reiterate your concern that it will ultimately destroy the Roman Catholic separate school system. I am not sure how the Anglican Diocese of Algoma can rightfully speak for Roman Catholics in that regard.

I also had some concerns about Mr. Kidd's statement during the presentation that Roman Catholic representatives on public school boards have a conflict of interest. I am not sure I can accept the argument that Roman Catholics throughout this province who are property taxpayers and provincial taxpayers have a conflict of interest in deliberating on an issue that affects them directly.

I wonder whether you could speak to those three points and perhaps further clarify your opposition to the process while supporting the principle. Could you clarify for us what is an appropriate process, because I fail to define that in your presentation?

The Vice-Chairman: Could you try to keep your response brief, because there are a number of other questions?

Father Winslow: As you will see in the conclusion, we believe the extension of funding probably is constitutional. We are not constitutional lawyers; we would like to see it constitutional.

We would like to see the process take the time to convince the public of the need, as much as possible, and also to show how it would be put in and what the effect on the taxpayer would be. We would like to see time for a full legislative process to take place, for the necessary reviews before the court to take place, and for the views of the rights of non-Roman Catholic Christians

and non-Christian faiths to be considered. Then a complete package would be put together.

We said there would be less than a two per cent time delay over what has already taken place. We say: "You are rushing it. Let us do it but in a more orderly fashion; and let us do it in a way that would not affect the Ontario public so violently, at least emotionally."

A lot of things have to be dealt with that are concrete, but once dealt with there is only the emotional problem to deal with. We think the process has to be stretched out and definitions given in each area. For instance, the teacher situation should be a province-wide situation. To require any teacher to go over to the Roman Catholic system is hard on that teacher. It is hard to have to support a system he or she may not be able to uphold. That is not good.

On the other hand, to say we have to transfer people—that is good, we have to; but we have to find the ones we can transfer. A province-wide process has to be found; it is a province-wide educational system.

In our concern about the Roman Catholic school system, we have identified situations in the legislation that we believe could be detrimental to it. We hope they are not looking at it and saying, "We are going to get the funding and we will fight these problems later." We hope they are not going to say that. That would not be right, any more than it is right to force it in the way it is going.

We have identified problems where the whole milieu would be watered down by the infusion of so many non-Roman Catholic teachers and so many non-Roman Catholic students who did not have to support the system. We are concerned about that. Having been in the system, I know what it is like inside.

That is our concern. Why do we say it as Anglicans? We say it because we are concerned about the justice of the whole situation for them and for all other people.

What was your next question?

Mr. Ward: I asked you to address the issue that Roman Catholic trustees on public school boards have a conflict of interest.

Mr. Kidd: I hope I said, "It appears."

The Vice-Chairman: While you are addressing that, perhaps you might also address the comment you made at the end of the brief that because two public school trustees were away for a vote in Sault Ste. Marie somehow that was the fault of the Roman Catholic trustees.

Mr. Kidd: No, I did not say that. I was saying this was the result, and it was part of the brief that

we submitted. In answer to the other question: if we consider the role of representation on the public boards of education by those trustees elected by supporters of the Roman Catholic school system to serve on the public board, those representatives are there to serve the interests of students of the Roman Catholic population in the city who are within the public system.

The motion that was put to the Sault Ste. Marie board was for support of the stand of the Metro Toronto board in regard to the matter of funding to the separate school system. Some public school board members were absent, for what reason I do not know. The vote came out and all the separate school supporting members of the board voted against the motion. If the other members had been there it probably would have gone in favour of the motion.

The brief refers to the fact that within the legislation the provision is that the separate school supporters may remain on the board until the declaration some time—which is an airy-fairy definition in the legislation—that they are no longer eligible. Until that time they can have a preponderance on decisions to be made. That is the point I was making. In such a situation their vote could be considered as a conflict of interest.

Why they were absent, in answer to your question, Mr. Chairman—

The Vice-Chairman: My question was a response: you cannot blame the Catholic trustees for two public school trustees being absent and a vote therefore passing. I do not see the logic in that at all.

Mr. Ward: I just wanted to have a quick supplementary because I know a lot of members want to ask questions.

The statement was made that your concern is with the process and implementation and that one of the biggest impediments to proceeding with this is to convince the public of the morality and justice of it and also inform the public as to the cost. If the cost is, as you say, \$650 million or \$677 million, I take it that on that basis you would not support the extension of full funding, whether or not it was moral or a matter of justice for that segment of the population. So much of your brief seems to deal with the financial aspect that I do not see how it relates to your statements of morality and justice for the separate school supporters.

Father Winslow: We are saying the amount of money is very great. I guess the question is, regardless of the amount of money, how will it be paid for and what will be the effect upon the taxpayer? What if it were \$677 million and you

came up with a system whereby it could be implemented so that the taxpayers' share were not being increased to pick up the whole \$677 million; or let us say the taxpayer was picking up \$50 million or \$60 million and the rest was coming from other reallocations? That figure is great, and we have not seen any figures on how it will be paid.

I think it is worth a certain amount of money. What that certain amount is at this point I cannot determine. It is something that has to be put to the taxpayers; for example, "It will cost you this, but it will give this in terms of justice and the right which has been taken through the court"—"has been," you will notice; already done—and so on, working it through that way.

12 noon

Ontario people are good and just. I am sure they would not reject something that was legally right if they knew exactly how it was going to come in and what it was going to cost them in the old hip pocket.

What was the figure that came out recently? We pay 49 per cent of our income right now in taxes of one form or another, and this is just another one. That is what I am saying. It will cost money; but how much, from where and how much comes directly as new tax, especially with the mess in which the Conservatives have left the government? We are going to have a tax increase for that.

Mr. Davis: Is that with a small c?

Mr. Epp: You emphasize the fact this is being rushed through. You said we had waited for 100 years and you were prepared to extend it another two years, which was two per cent. If it has taken 100 years to get to this point, I do not see where the rush is.

Father Winslow: It has taken 118 years of lobbying for the Roman Catholics to somehow get Mr. Davis—the other Mr. Davis—to get the government to say it was going ahead. The move came as a complete shock, as I am sure Archbishop Garnsworthy and many other leaders in the community have illustrated. It is not correct to say lobbying is dialogue.

The government should have said: "Okay, we now believe this should be done. We are prepared to take it to the courts for constitutional evaluation and we want input from the rest of the public. After 118 years, if it takes another two years we will get it in, but we will do it by following due process." It becomes a major problem to suddenly say: "Time is up. We have done it and nobody else knows we are doing it."

I know this has been the argument of the Roman Catholic school teachers' association: "We have been talking about this for 118 years, ever since Confederation." However, it all has been in the form of government lobbying. It has not been open discussion with the totality of the public. That is what we are asking for. Let us do it with everybody involved. If it is constitutional, legal and right—and I hope it is—then let us do it.

Mr. Epp: I was wondering about the figures—

The Vice-Chairman: You do not have to have a supplementary. Are you guys getting hungry?

Mr. Epp: I am not hungry at all. I was wondering about the figures you used on page 12. You quoted one of \$510 million.

Father Winslow: Are you talking about the duplication expenses?

Mr. Epp: Yes. I am always suspicious when people quote unnamed sources. Perhaps they do not want to be associated with the information because it is faulty in the first place. Maybe that is a bias I have and should not, but if people have accurate, good information, why would they not want their names associated with it?

Father Winslow: I think it was because of this man's position, sitting on a governmental committee. He has released a figure he may feel he should not have disclosed, but I guess Mr. Phillips must be a friend of his.

Mr. Epp: So he slipped it to him.

Father Winslow: You saw what happened to our gentleman in Ottawa because he let a paper slip out recently.

I share your concern about a figure like that. What it indicates to this committee is a duplication-of-service expense. There will be an increase in supervisory staff, such as principals and vice-principals, and in supervisory staff who are not now but will have to be in the Roman Catholic separate school boards although they are still going to be in the public boards too. There is going to be an increase in support services, in duplicating special education capability under Bill 82 and in specialized programs that are not provided at present.

All these things are increases. They may not cost as much as that figure indicates. We say it is debatable; however, the government has no figure for any of those things.

Mr. Epp: As far as the government figure is concerned, we know former Premier Davis originally had one of \$40 million. We do not know exactly how he arrived at that figure. The present estimate for the first year is about \$80

million and then it goes to about \$120 million or \$130 million, and then to \$154 million.

I can understand there being some fluctuation of perhaps five per cent in those figures. I cannot see getting \$510 million, or whatever it is, from \$150 million. I do not think it is in the interests of any government, regardless of party, to give the public a figure of \$150 million or so after the third year on a cost basis plus inflation and have that figure so far out from what this person suggests, \$510 million. As to credibility, I do not think it is in the interests of any government, either in the short term or the long term, to be that far out. Therefore, I think this figure here, although you already say it is somewhat suspect, is almost completely suspect.

Father Winslow: I would argue with you on the last phrase. I would agree with you the figure is not a concrete figure. The things I just talked about, with regard to services that are not considered in the current figures, are going to be considerably more than five or 10 per cent of the current figure, because there is no duplication-of-service allowance in that \$80.2 million.

The other thing to look at is the total expenditure in the third year of \$154.5 million alone, just for the 31,000 unfunded students in 1984 in grades 11 to 13. For the 37,000 students who had to be brought up to scratch in grades 9 and 10, the figure—and I know they are reasonable figures—is \$167.5 million. It is low in that case alone. There is not as great a difference as you have, but then there is no consideration of those duplication costs in the \$80.2 million or in the \$153 million. They would have to be added in.

As I have already said, you will find the costs are somewhere between. I believe they will be closer to the higher figure. You may believe they are closer to the lower figure. I think we have to research more carefully and come up with the real costs in all areas. The other thing not included in those costs is capital expenditures. They are going to be considerable, despite the sharing or passing over of facilities. We should get these figures and have the total package and say, "Here is what the real cost is, and here is how we are going to pay for it." I think this figure has been overlooked. I do not think it has been intentionally hidden, but it must be put in to get those things through.

Mr. Timbrell: Mr. Epp's line of questioning is getting into what I want to ask about. In the early stages of the committee work the minister gave us a detailed update of his government's esti-

mates of the costs of this. Have you examined those?

Father Winslow: On page 11 you will find—

Mr. Timbrell: I am sorry, I should have finished my statement. When I look at your figures on page 13, am I to understand you are saying the minister and the ministry are wrong?

Father Winslow: I am saying all the figures are not there. I am not saying it intentional or not intentional.

Mr. Timbrell: They have included, for topping off grades 9 and 10, \$10.8 million. For upgrading 37,000 students, you have a cost of \$43.5 million—more than four times as great.

Father Winslow: You will notice that figure includes extraordinary as well as ordinary expenditures, and you will also notice it is 8,000 students lower.

Mr. Timbrell: You will have to excuse me. What are you lumping under extraordinary?

Father Winslow: Your extraordinary expenditures are those costs which are above the standard expenditures for—

Mr. Timbrell: Yes. Such as?

Father Winslow: Busing would be taken in there, and there is a slight figure for busing there.

Mr. Timbrell: That is \$7 million.

Father Winslow: There is a total overhead of dollars and cents not included in the ordinary, everyday educational process. I would have to get my books out to start telling you what they are. Perhaps Father Davis could tell you; he was on a committee on a school board, as I was. What we have said is that 37,000 students is really the figure that is extra. The figure of 45,000 represents about 8,000 students who would probably have gone in the public system but came into their own system because—

Mr. Timbrell: The fact is you have a smaller number of students and arrive at a figure four times as great.

12:10 p.m.

Father Winslow: Take the figures in the first paragraph at the top of page 12. We use a figure that is very close to the government's figure to top off the ordinary expenditure level. Extraordinary expenditures in most boards, and I have checked this across the boards in the north, exceed \$1,000 per student, but we have lowered it to about \$860 to round it off to \$4,000.

That extraordinary expenditure is included here. Where you have included extraordinary expenditures, such as the \$9.9 million that is added to the \$70.3 million of ordinary, I have

lumped the two together. What I am saying is, the full, extraordinary expenditure in the experience of school boards has not been added in. There have been some items of extraordinary expenditure added in.

To get the full items, I would have to go back and dig out lists and send you copies. All I am saying is that is a figure that is real with the boards.

Mr. Timbrell: It is unfortunate the minister or his deputy are not here. At some point we should ask the ministry to do some analysis of the figures that have been given to us. Given that the minister's position and the position of our party, and the position probably of all three parties, is there should be no duplication of services or facilities except in cases where numbers warrant additional space or programs, how would you ensure by way of legislation, since you have studied it so thoroughly, that the intention and goal of the three parties is met?

Father Winslow: Would you clarify "no duplication"?

Mr. Timbrell: I refer back to the repeated remarks by the minister in the first few days he was here that there will be no duplication of facilities or programs, that to the extent any are added it will be because numbers warrant or geography dictates, that sort of thing. How would you make sure by way of the legislation that the intention we all support is met? Would you include something in the legislation to require the minister and/or the commission to show board by board, coterminous board by coterminous board, that there is maximum possible integration of all programs and services?

Father Winslow: In terms of integration, we would look at a problem. There may not be duplication in some areas, but let us say a music program is part of your duplication. How are you going to guarantee that a music teacher in the public system who would be going to the separate system would uphold the milieu of the separate system; which is not just teaching religion, religion permeates all?

Mr. Timbrell: That is not my question.

Father Winslow: You are asking me to do something I am having a hard time understanding. When you are talking about duplication, are you talking about programs?

Mr. Timbrell: You have raised the prospect of as much as \$204 million a year—

Father Winslow: For the first year, yes.

Mr. Timbrell: —being a cost to the taxpayers for duplication. I am saying we are all deter-

mined to ensure that, to the extent there is any duplication, it will be the absolute, bare minimum. I am asking you—and inviting you to send it later if you want to consider it—how you would ensure through Bill 30 that the intention is met. I have given you one possibility, which would be to legislate a mandate on the commission and the minister to show publicly the maximum possible integration of coterminous boards, either now or at the end of the three-year cycle for the completion of funding.

Father Winslow: Is what we are moving to in your question umbrella boards or district boards covering both things?

Mr. Timbrell: No, that is a separate issue.

Father Winslow: I was just wondering, that is all.

I am sure you have heard enough about this from Mr. Wildman; I have seen Hansard on it. In the Blind River school we could end up with three principals and three vice-principals, and maybe even four for one school. We would have the public sector, the Roman Catholic, the French public and the French Roman Catholic; four schools existing in one building.

Mr. Timbrell: That was the subject of discussion the other day with the director of education from Kirkland Lake.

Father Winslow: Right. Now you have six people you did not have before, a vice-principal and a principal for each of these. Then you have the supervisory officers. Are you suggesting a superintendent of education could do his job in both the separate and public schools? I am having trouble with the word duplication. What I hear is duplication and what you are saying is duplication, but I am not sure we have the same understanding.

Mr. Timbrell: We have heard of a number of examples of coterminous public and separate school boards sharing fleets of school buses, doing bulk purchasing together, sharing a wide variety of services and programs that are not denominational and do not impact on the ethos of either system. The stated intention of the minister, with which you would agree, is that the extent of duplication would be kept to a bare minimum.

Given your statement somewhere that talk is cheap, how would you, if you were in our place looking at this bill, make sure that stated intention is met and there is a legislated requirement to meet that goal?

Father Winslow: I see what you are looking at now. I would have to get a better feeling for it

before I could answer. You have a question you have mulled over in your mind for some time. It has just hit me now. I would like to have the opportunity of thinking about it. It sounds pretty good.

The Vice-Chairman: You are coming before us again when we are in the Sault.

Father Winslow: The coalition will be. I am not making the presentation for the coalition.

The Vice-Chairman: I thought I saw your name.

Father Winslow: I am president of the coalition but I do not think I will be making the presentation. I will be there.

Mr. Timbrell: It would be helpful if you would do that.

Father Winslow: It is an interesting concept. I believe that figure could be reduced. I would have to see how much it could be reduced.

You would have to get the agreements of the boards. I sat on a single board north of Lake Superior that represented four different towns with three different industries running those towns. We could not get agreements among the public school boards. The director of education there said she did not see how we could get agreements between separate and public. I see what you are getting at and I would like to work on it.

Mr. Timbrell: That is a separate issue and it is something on which we take issue with the new government. They have dropped from their draft of the legislation any possibility that if coterminous public and separate boards want to have a consolidated board they can; that is gone.

Father Winslow: This is happening in busing in Sault Ste. Marie now. It is a good thing.

Mr. Timbrell: That is gone. It is something we will be discussing.

Father Winslow: It could affect to some degree that \$510 million, which is \$204 million in the first year. We would have to figure out that effect.

Mr. Timbrell: I invite you to think about it and give us your opinion.

Father Winslow: We will give you a comment.

Mr. Allen: I suspect part of the difficulty the committee is having with your presentation is that it has a refreshing viewpoint. Most of those who have come asking for a delay have been opposed to funding. Most of those who have come saying we should await a constitutional

decision have been convinced that a constitutional decision would be negative.

You have tended to be positive on both those questions and I guess that has caught us by surprise. Perhaps that is one of the chief merits not only of hearings like this but also of submissions like yours. There are many avenues to explore on an issue of this sort. While I agree with other members of the committee that occasionally the rhetoric is a bit inflated, and we are all guilty of that, none the less there is a fresh perspective.

12:20 p.m.

Mr. Timbrell: That admission in itself is refreshing.

Mr. Allen: There is a time for all of us to come clean.

I think the unique perspective you are framing for us in your submission is a concern about where we are with respect to the trajectory of public education broadly conceived in Ontario, whereby in one respect there has been a transition for a very large Protestant community that wished to retain a religiously oriented public education system: that has somehow disappeared to a substantial degree. You are trying to ask us to pull the reins and, as I understand it, to look at the other options for advancing the role of religion in education, broadly conceived; not just in the separate panel but in some public form. Am I right?

Father Winslow: Yes.

Mr. Allen: That is the nub, the central focus of your submission. Is that correct?

Father Winslow: I think you have identified a very serious concern we have, but you will note it is one of many. We are very concerned about the teachers, for instance.

Mr. Allen: I hear it ringing there, too, because you are saying teachers really ought not be pushed across the divide against their religious persuasion.

Father Winslow: Precisely.

Mr. Allen: Students who come in ought to have to subscribe to the orientation of the system they are going into and so on.

Father Winslow: Yes; in those senses, that is very astute. We are concerned about the rights of individuals. You will note we are also concerned about the equal rights of the non-Christian faiths. As you see in the section on religious education, we do not want to see a total fragmentation unless the government makes it absolutely necessary.

We are saying, "You have the Roman Catholic separate school system and the public school system. We want to see religious education, which is education about religion, come back into the system to teach appreciation of each other's faith, in the public environment." That would satisfy us in the sense of constitutionality. We would not go for an Anglican/Protestant Christian school system under that circumstance, but without it we would look at that very seriously; even at independent schools being funded, of which we are not really at this moment in favour. If it is the only way we can go, we would want that.

We are very concerned about the constitutionality of the whole issue for all denominations, but our initial goal is not to find ourselves with a Roman Catholic, an Anglican, a United Church of Canada, a Jewish, a Buddhist system; and so on down the line.

Interjection.

Father Winslow: Okay, a Baptist system, too. My son is going into the Baptist ministry; how is that?

We do not want that kind of fragmentation. As much as possible, we want to see the systems develop and not regress. We want funding that will guarantee this for all systems, but at a cost and in a manner the public can support. As I told you, one priest told me, and he was a school board member, that what he saw coming was education publicly funded to the level of the lowest common denominator. We do not want that either.

Have I answered your question?

Mr. Allen: I wanted to make certain I understood the central thrust of your submission.

Father Winslow: You have.

Mr. Allen: I understand you are concerned with a certain kind of religious diversity but without fragmentation and, again, a unified perspective in education.

Father Winslow: I addressed the process that is being followed and a very serious concern about it being ramrodded through when it is not necessary to do so.

The Vice-Chairman: Let Mr. Allen finish his question.

Mr. Allen: I think the submission was pretty clear on those points.

I am also a little quizzical with regard to the money side. I find it difficult to wrestle through 37,000 students whose ordinary expenditure increase would normally be coming into the public level expenditure of \$340 per student,

which is somewhere on the order of \$10 million, somehow by the addition of extraordinary expenditures reaching \$43.5 million. If you could provide us with some breakdown of the figuring that has gone into this calculation it would be helpful. It does not seem to be reasonable. I just want to say that. It would help if you could give us something in detail that would break that down for us.

Father Winslow: What I have in round figures is Mr. William Phillips's presentation. I do know from boards across the north that the figure of \$1,000 per student on an extraordinary level, without being able to break it out for every board, is a good figure.

Mr. Allen: Does that mean board-originated expenditures as distinct from the provincial grants?

Father Winslow: Supported by provincial grants under what is called extraordinary expenditure support. For instance, the microcomputers—

The Vice-Chairman: Father Winslow, excuse me, rather than getting into a further debate on the financing, since Mr. Timbrell and Dr. Allen have both talked to you about it, if you could submit something to us that gave us an analysis of how you came up with that figure it would be much appreciated.

Father Winslow: I will get you an analysis of the figure. How I came up with it was from Mr. Phillips. I used his document. I do know the figure and totalled it out.

Mr. Allen: Whatever your sources are.

I have a question with regard to your observations about red circling. You went pretty heavy on us for trying somehow or other to keep public school teachers transferring into the Catholic system at a suppressed salary level.

It is interesting that the Canadian Union of Public Employees representatives and the Ontario Secondary School Teachers' Federation representatives came at us with the concern that what was happening in that clause was that they would only be allowed to maintain that transferred salary level for one year. Then they would have to drop down to the level determined by the separate school salary schedule. They have been happy with the traditional red-circling, which is precisely the way you described it.

Are you asking that we secure more for the teachers than they want for themselves or than CUPE wants for its work force in going across to the other system?

Father Winslow: I have not had the privilege of talking to the OSSTF or CUPE representatives down here, although I know what they have said. Talking to the OSSTF in the various northern communities, the idea of red circling is acceptable if the job is maintained.

On the other hand, the question comes up, if full funding comes in, why should the salary levels be lower? Why should those teachers not be able to go across on scales that are at the same level and be able to go forward from that point, as they have gone forward to this time?

Mr. Allen: In other words, your answer is yes, you are asking for more than the OSSTF and CUPE representatives.

Father Winslow: If that is what CUPE and OSSTF said here.

Mr. Allen: I think that gives me my answer.

Father Winslow: We are saying, if we are going to have public funding province-wide, let us get the whole thing into line and everybody will be in the same position. Then you do not have a problem. It could be a province-wide operation.

Mr. Allen: I tackled the OSSTF people on the whole question of working out a province-wide system. They were very dubious that it could be worked out strategically. They saw so many difficulties involved with all the different bargaining units that it was a horrendous prospect. Even with their formidable research staffing capacity they were intimidated in trying to figure out a way to do it. There are real problems.

I have a couple of comments I hope might be helpful. One is that there has been a considerable opening up of the discussion around the question of designated persons, whether that should be designated positions instead, whether there should be much more openness for volunteers on to that list so people who wish to transfer are accommodated. We recognize some problems there, but there may be amendments in that direction in the legislation.

Finally, since no one has made the comment, there was a fairly rational basis laid out for time allocation. The OSSTF was not given three and a half hours; it was given a good solid two-hour block. Because we kept going, as we so often do, as we did with your submission, they ran over considerably. So do not be too heavy on us if we give some more time than we allow others. We have done it with you and we will do it with others as well.

The half-hour allocations are standard for individual presenters in Toronto. It is only when

we get large representative groups or province-wide affiliations that we extend the time, because they speak for a much larger body of people. We have tried to preserve some balance in that. We recognize very well that in some circumstances we cannot give as much time as we would like by the very nature of the physical limitations on all of us. I appreciate your comments and I respect the fresh perspective you are bringing before us today. I think it helps us think through our problems.

12:30 p.m.

Mr. Reycraft: A few minutes ago, Mr. Kidd referred to concern about lack of clarity in the legislation as to when separate school supporters would cease to be members of a public board. We have been criticized before for the way that has been addressed in the legislation, but not for lack of clarity. It is in subsection 136i(3). It provides for the member to cease to be part of a public board at the end of the calendar year in which the separate board makes the election to have full funding. The brief refers on page 26 to the fact it is unclear in the legislation. It is reasonably clear.

Mr. Kidd: When I referred to clarity, I think I was doing it in conjunction with the fact that lawyers are going to be able to make a lot of money. Mr. Timbrell mentioned intent. It seems to me you have to be very careful in the wording of the legislation that you keep out the intent and put in what is going to happen. In any experience I have had going into third party intervention, you cannot argue intent, you have to argue words.

The point I am trying to make is that as I read the legislation, and I admit it has been a cursory examination, I find many areas such as the Canadian Charter of Rights and Freedoms itself that are going to be a real playground.

I have made reference to the fact that the way the legislation is written, if somebody is challenging the right of education of the child under bill 80, it is going to be a difficult and long procedure to develop what that legislation is saying. We are guaranteeing the parent the right to education in a separate school system, but if I want my grandchildren to be educated in a Christian environment, how can I challenge if I do not want them to go to a separate school system?

I seem to have lost you, Mr. Reycraft.

Mr. Reycraft: I think you have moved away from the intent of my comment.

Mr. Davis: I want to thank the delegation for the brief. One of the things I found interesting

was the suggestion to move away from the term "distance." I think we will have to look at that when we move to single school units across the province. "Distance" may be a term we should not incorporate, understanding that a student may travel a fair distance to another community when the local school is right there.

I hope you are wrong that the public perceives this committee to be a form of window dressing. I point out to you, as my colleagues have pointed out to many people, that the mandate of this committee is not to decide whether we should fund or not fund. The legislation has already made that decision.

The mandate of this committee is to take a look at Bill 30 and ask how we do a number of important things in the legislation. One purpose is to ensure the viability of the public education system and also to extend the funding. The people coming here to make their briefs have, to a large degree, given us some insight that we have not had, as your brief has done. It will go into that corporate decision we will make, or even a minority report when the final piece of legislation is drafted by this committee.

I would also like to point out that a number of constituents of this province have asked for a plebiscite. Father Winslow, you and I know the institution we represent does not necessarily follow its adherent's plebiscites. The policies and decisions are made by elected groups which do not necessarily constantly represent their total constituency. In the democratic process, that happens in the parliamentary system as well.

Mr. Epp: At the beginning of your brief, you were quite critical of our committee for not having any representatives from northern Ontario. We went through your entire brief and not one section is dedicated to specific problems in northern Ontario. In fact, there are just minor references throughout the brief to northern Ontario. There is nothing specific to help the committee understand the problems of northern Ontario in the implementation of this legislation.

Father Winslow: I would say in response that you should read the minor references a little more carefully because they are of major concern to us.

Yes, they are references. I intentionally wrote it that way, because we are part of the Ontario milieu as a whole and we are concerned as part of the whole of Ontario.

The issue of the Martin proposal, for instance, affects us greatly. The issue of taxation as it relates to the property taxpayer is very demanding on us even now. The issue of travelling distances to deal with problems is very time consuming and cost consuming for us. The whole thing is something we are concerned about in the north. You will see more specific northern references when you see the coalition's presentation.

The Vice-Chairman: That would be helpful.

We have one other question from the clerk. The clerk received a call from a Rev. Stuart McEntyre who made an appointment for himself and yourself here in Toronto on September 9—unless there is another Rev. Larry Winslow. We have been trying to get hold of Stuart McEntyre.

Father Winslow: I know Stuart, yes.

The Vice-Chairman: We have not been able to reach him.

Father Winslow: He may have called to make a request for the ecumenical study commission to make a presentation. If that is so, that could be what I am being included in.

The Vice-Chairman: Do you wish to have a separate appointment again on September 9?

Father Winslow: If it is for the specific ecumenical study commission presentation, yes, I would be involved in that.

The Vice-Chairman: You would be involved with Stuart McEntyre?

Father Winslow: That is correct.

The Vice-Chairman: I want to thank the delegation that was scheduled for 11:30 this morning, Shelagh Inwood Luka, who will be coming at two o'clock. I appreciate her delaying her presentation so we had more time with this morning's delegation.

The committee recessed at 12:39 p.m.

CONTENTS**Tuesday, July 30, 1985**

| | |
|---|--------------|
| Education Amendment Act, Bill 30, Mr. Conway, recessed | S-427 |
| Recess | S-453 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Cooke, D. S. Vice-Chairman (Windsor-Riverside NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Jackson, C. (Burlington South PC)
Johnston, R. F. Chairman (Scarborough West NDP)
Reycraft, D. R. (Middlesex L)
Timbrell, D. R. (Don Mills PC)
Ward, C. C. (Wentworth North L)

From the Anglican Diocese of Algoma:

Kidd, W., Member, Committee on Public Education
Winslow, Father L., Chairman, Committee on Public Education



No. S-17

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Tuesday, July 30, 1985
Afternoon Sitting

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Substitution: Ward, C. C. (Wentworth North L) for Mr. Smith
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, July 30, 1985

The committee resumed at 2:01 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the meeting to order. We have a basic quorum and there are a couple of items of business with which we have to deal while other committee members gather.

The first is something Mr. Reycraft has provided. Perhaps he would like to tell us about it. It has been distributed to all members.

Mr. Reycraft: In the course of our discussions in the last two weeks, the topic of exemption of non-Catholic students who are in Roman Catholic schools from religious education courses has often come up. What exactly is contained in those courses is relevant to those discussions.

Over the weekend I had occasion to meet with the director and chairman of the London and Middlesex County Roman Catholic Separate School Board and, as a result, I have been provided with overviews of the different religious education courses and very specific course descriptions. I asked to have those duplicated and circulated to other members of the committee so they could be aware of the scope of the courses we are discussing.

Mr. Chairman: That will be made available to all committee members.

SHELAGH INWOOD LUKA

Mr. Chairman: Our first presenter this afternoon is Shelagh Inwood Luka. Would you like to come forward? I have already had a chance to read your brief and am very impressed by it. It touches a subject we have already briefly talked about during the hearings. I am glad you can come forward and happy the minister will be here as well for part of your presentation.

I do not know how you want to proceed. As you know, we are running a little behind. There is a lot of very important information with which you have provided us and I do not know how you want to take us through it. However you may be disposed, we will be happy to hear it and then we will have questions, so please proceed.

Ms. Luka: Thank you very much. Obviously I have presented you with a large amount of material. My intention is not to read it all but to try to take you through it and highlight the issues as they come up.

As you will have gathered, the submission focuses on the potential loss of significant numbers of women employees from public boards of education as a result of the extension of funding. Before I begin I would like to give you a little personal background.

I have worked in a variety of different roles in the paid work force over the past 25 years or so, both within and outside education. At present I am an affirmative action practitioner on leave of absence from my board of education. I am the parent of a daughter and son who have both been very well educated in the public system in Ontario and I have a younger son who is still going through it.

I am speaking today for no organization and representing no official group, but you will find attached a list of individuals who agree with the recommendations and concerns I have expressed. Some of these are educational workers, some work outside education; some are students, some are parents and some share a number of those roles.

Pages 1 and 2, the introduction, basically outline the brief, which reviews the status of women in society in general and in education in Ontario, documents the need for female role models for students, presents some current government and board initiatives which promote equal opportunity in our schools, identifies factors making women teachers more vulnerable to dislocation and sketches some possible dislocation scenarios and the resulting disparate impact on women. Recommendations for positive steps towards equity are at the end of the submission.

The submission emphasizes the situation of teaching staff. I believe impact on other female employees in boards must also be analysed: secretaries, clerks, library workers, business and other resource staff, and the still extremely small numbers of women who work in nontraditional areas of work. My focus is on teaching staff, because that is the area I know best, and because

that is where there is the most information at present.

Page 3 gives an overview of women in society today, some of the problems we face. None of it would be new to you: the increasing numbers of women in the work force; the clustering that still exists of women in limited numbers of jobs; the wage gap, which I understand will perhaps begin to close in the very near future; the uneven share that women still bear of family responsibilities; and their financial situation in old age. It acknowledges as well that there is a variety of steps being taken now which begins to redress and resolve perhaps some of those problems.

Page 4 looks specifically at women in education in Ontario. I would highlight here that 51 per cent of the student population is female. At least 80 per cent of those students will spend at least 30 years in the paid work force. Choices they make in secondary school will be critical in shaping their future. It is in the schools that young women and men first learn about who does what in the world of work.

In our secondary schools, what do students see? They see one woman teacher for every three men; women underrepresented in positions of responsibility; women close to invisible as vice-principal and principal in most boards; women absent at the same rate and higher from senior positions; and women clustered teaching in the lower grades and limited to certain subject areas.

They see female employees other than teaching staff concentrated in clerical and secretarial positions; present in very small numbers in caretaking, maintenance and transportation; and again virtually invisible in senior positions.

Tables 1, 2 and 3 on page 6 show the clustering of women teachers.

Table 1 looks at women by position and gives, for example, the fact that in 1983, 23 of the 579 secondary school principals in the province were women.

Table 2 looks at teaching levels, showing nearly 39 per cent of the grades 9 and 10 teachers, but only 23 per cent of the grade 13 teachers, are female.

The clustering by subject is shown in table 3. Women are underrepresented in some very critical subject areas such as science, math, geography and history, all of which are compulsory under Ontario Schools, Intermediate and Senior Divisions curriculum guidelines.

Pages 7 and 8 look at the issue of role models. The stark reality is that our female students tend to drop math and science as they wait for the

arrival of Prince Charming. If they think at all about jobs, their expectations differ dramatically from their aspirations. While they may aspire to become lawyers, for example, they expect to be legal secretaries.

The list of data sources shown on that page is far from exhaustive, but I have highlighted the John Sopinka recommendation that says, "No female physical education teacher should be terminated or laid off unless there will remain in the school an equal number of male and female instructors." That is a direct response to the issue of the need for role models.

On page 8, you will find references from Ministry of Education documents and from the Rosalie Abella report concerning the issue of role models.

I should emphasize that a decrease in the number of women in the public system will affect students' perceptions of appropriate work-force roles for women. Declining enrolment and the new compulsory credit structure have already affected women disproportionately. Implementation of full funding as proposed promises an even greater negative impact on the number of female role models in public secondary schools.

Pages 9, 10 and 11 present some of the good news, some of the current steps being taken intended to address the problems. Page 9 looks at the ministry's recent request that boards establish affirmative action programs for women, and many public boards are now doing so. Between December 1984 and June 1985, for example, the number of boards with such programs went from nine to 33 and possibly more.

As a result, women in public boards all across the province were feeling optimistic that their contributions to their home boards would begin to be recognized. Women acquiring additional qualifications and becoming known as individuals with promotion potential are in many cases the very ones who are now at risk when positions begin to disappear as a result of full funding.

Page 10: The ministry expects boards to implement sex equity in the schools. Samples of board initiatives are listed on that page. The majority of these strategies are initiated by female teachers. As women are dislocated, my concern is that many of these programs will become less effective or may disappear entirely.

Page 11: The Ontario women's directorate: one of the main objectives is to analyse and monitor the impact of existing and proposed laws, policy and programs on women. Systemic discrimination occurs when government decisions that appear neutral on the surface have

unequal impact on a disadvantaged group. Women in public boards are disadvantaged, clustered in limited roles, and are further vulnerable because of years of experience and, in some cases, definitions of seniority. A full impact analysis followed by necessary amendments to Bill 30 is therefore essential before implementation.

Pages 12 and 13: Before commenting on the impact of definitions of seniority, it should be recognized that seniority, as Judge Abella states, is "labour's premier equity tool." It is also true, however, that definitions of seniority do not always take into account the differing career patterns of women and men. A board-by-board review of seniority lists would show in all cases women clustered at the lower end and thus especially vulnerable to job loss as positions disappear.

Table 4 gives the four main seniority categories in secondary collective agreements, and page 13 reviews some of the problems created for women by some of these definitions. With continuous seniority or date of last hiring, for example, pregnant women who had to resign before maternity-leave rights existed in this province are disadvantaged. Experience in their board before such a resignation occurred is not counted towards accrual of seniority. When agreements do not permit accrual of full seniority for part-time work or for leaves, women who take more leaves than men and who make up 80 per cent of part-time staff are again disadvantaged.

In spite of the improvements in pupil-teacher ratios over the years, women have dropped from 31.3 per cent in 1972 to 30.2 per cent of the teaching staff in the public system as declining enrolment has meant a smaller number of overall positions. In boards where terminations have occurred, anywhere from about 60 per cent to 85 per cent of the terminated teachers at the secondary school level are female.

Pages 14 and 15 compare the years of total teaching experience of women and men using ministry statistics in two different ways. It should be noted that while nearly half of all women have under 10 years, they make up only 30 per cent of all public secondary teachers.

Table 5, on page 14, shows 43.2 per cent of all women have 10 or fewer years of experience. Table 6, on page 15, shows women make up 46 per cent of all teachers under 10 years and 54.3 per cent of all teachers in their first year. This group of women and men with 10 or fewer years

are those most likely to be affected by dislocation.

These statistics lead to some possible dislocations scenarios shown on page 16. In scenario 1, we may see up to four of every 10 women public secondary teachers dislocated using the Ontario Secondary School Teachers' Federation "worst case" scenario where there were 8,459 jobs lost. In that case 38.7 per cent of all women would leave the public system, in contrast to 19.6 per cent of all men.

In scenario 2, which is a little milder, projecting a loss of 4,450 jobs, 20.4 per cent of all women would go, compared with 10.3 per cent of all men. One can calculate such scenarios indefinitely. The end result will always be disparate impact on women.

Page 17 emphasizes that no such scenario is acceptable. In each case, the disparate impact is clear. Impact on students may include never encountering a female teacher, counsellor or administrator. It certainly will include implications for student perceptions of the roles of women in our society. For women teachers, dislocation means the loss of hard-won ground and of professional support networks, particularly when they leave affirmative action boards.

Table 7 projects the shifts in the proportion of women in public boards using scenarios 1 and 2.

The recommendations on pages 18, 19 and 20 present some positive steps towards equity. An impact analysis is needed immediately, so recommendation 1 is that this committee should request that full analysis of the potential for disparate impact on women in the public secondary schools be prepared by appropriate staff immediately, to be reviewed by the committee prior to preparation of its report.

The status of women must be monitored closely in board plans. Recommendation 2 is that section 136l of Bill 30 be amended to require that board of education plans submitted annually to the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario include sex-related data as follows with the list of designated persons: identification of impact on the staffing of the sending school by subject by sex, on the staffing of the sending board by subject by sex and on positions of responsibility held by women within both the sending school and the sending board. Similar data on positions other than teaching positions should also be provided.

Affirmative action programs now under way must not be slowed down or stopped. Recommendation 3 is that section 136r of Bill 30 be

amended to require that the planning and implementation commission not be permitted to approve board of education plans which decrease the overall percentage of women within a school or a board, or which eliminate women from any subject area in any school. Where that would happen and no other solution can be found it is suggested that subsection 136(8) should obtain.

Involuntary dislocation of employees must be minimized for many reasons. Recommendation 4 is that Bill 30 be amended to include provision for a specified period each year between the date when the decrease in positions in the public board is determined and the date when designated persons may be offered positions in the separate board, so individual public board employees may apply for those positions voluntarily and may be employed by the separate board with all the rights accorded to designated persons under the legislation.

2:20 p.m.

Finally, other vacancy incentives through encouragement of early retirement must be provided. Conservative projections show about 25 per cent of teaching staff retiring over the next decade. Recommendation 5 is that this committee recommend strongly that the Ontario government amend the Teachers' Superannuation Act to eliminate penalties for retirement before reaching the 90 factor and that grants to assist boards in instituting early retirement incentive plans be made available by the Ministry of Education, such provisions to be in effect for a minimum of 10 years.

Bill 30 states in two places that the criteria for implementation plans are that they provide a method "that must promote the best interests of public education in Ontario." No practice, policy, regulation, guideline or law which permits disparate impact on women on public boards conforms to such criteria. We cannot wait for these problems to work themselves out over time. We cannot permit injustice and inequity to occur, however unintentional their genesis may be.

The following statement from the Abella report clearly articulates the need for positive action now: "Equality demands enforcement. It is not enough to be able to claim equal rights unless those rights are somehow enforceable. Unenforceable rights are no more satisfactory than unavailable ones."

Mr. Chairman: Thank you very much. I am sure there will be many questions from the committee. Mr. Timbrell has already indicated he has some.

Mr. Timbrell: I apologize for being a few minutes late. I missed the first three or four pages, but I must say, having been here for the balance of the presentation, it is one of the better ones we have had. You have expanded on a number of points that have been alluded to in earlier presentations but not nearly as well presented. Having been Minister responsible for Women's Issues, and still being critic for women's issues, I appreciate what you have told us. Certainly your first recommendation is a must. We should insist on that being done before we get into clause-by-clause consideration, some time this year I hope.

I want to ask the minister a question related to this. One thing I was moving towards and promoting with my colleagues in the previous government was contract compliance with respect to the provincial government's relationships with the private sector, but also with transfer recipients, who receive a very large proportion of the government's annual budget. I wonder if the minister could give us his views on whether it would be appropriate, as part of granting complete funding to the Roman Catholic school system, to add to the legislation a requirement of compulsory affirmative action and contract compliance among the particular categories of transfer recipients and whether it is his intention to support expanding that to all school boards.

I say that knowing the voluntary program we established with incentive funding for affirmative action programs and school boards has been successful when it has been taken up, but that has not happened much. I invite the minister to comment on that.

Hon. Mr. Conway: The member will know it is certainly the government's view we must take such measures as are necessary to protect a particular group, such as women in this situation, as the presentation makes clear. We have had some discussions at the ministry. I have talked to officials and some at the planning and implementation commission about the most recent data. One of the difficulties at the present time is that we are not exactly certain how the data will break.

I am particularly attracted to the recommendation which speaks to that point of an impact study on women in the secondary panel as a result of this completion policy. As a government, we would certainly want to take all measures that are possible and reasonable to ensure no particular group is disadvantaged. Beyond that, Mr.

Timbrell, it is hard for me to comment at the present time.

Mr. Timbrell: I find that very disappointing. Quite frankly, I would have hoped you might have seen fit to give us some indication on whether you are prepared to go further than we were able to go when we were in government. I have indicated to you the direction in which I was heading as Minister responsible for Women's Issues as recently as five or six weeks ago. I guess it is something we will have to come back to at some point. You may want to discuss it with the new minister and be prepared later on to discuss the merits of some tougher conditions with respect to affirmative action and the establishment of the principle of equity in all respects as between men and women employees of, in this case, separate school boards.

Hon. Mr. Conway: You, Mr. Timbrell, and certainly the committee and the witness, should be assured that we will. Quite frankly, it is my desire and the desire of the government to see that this policy is implemented and the public funding of the separate school system is completed in a way that does not discriminate against women in any particular way.

In the course of the first few weeks of my responsibility, this is a subject that has arisen. As you may recall, we had some discussion about this about two weeks ago, or perhaps it was last week, with the representatives of the Ontario Secondary School Teachers' Federation who raised their concern about disproportionate impact upon women and young teachers. That is a concern to the government.

I want to make it as clear as I possibly can that as a government we are committed to equality of opportunity for women, not just in education but in the economy generally. I have to, and I want to, listen to the representations that have been made. A number have been made here that appeal to me as I see them presented. I want to assess these with the officials. It may very well be these are areas of the legislation we will want to address by way of amendment.

Mr. Timbrell: I shall leave it for now. I take it from this that the minister would not be opposed to amendments to the bill that would speak to the need for consistency from school board to school board with respect to affirmative action programs and their practices with respect to the employment and promotion of men and women. When the occasion presents itself later this fall or this year, I will be presenting some proposals on how we can do that. Once the amendments pass here,

I will be glad to know the minister will make sure they are carried out.

Mr. Chairman: We do not want him to have to wait for your initiative, Mr. Timbrell. Let us encourage him to move along.

Hon. Mr. Conway: That is what this process is all about. I draw your attention to the fact that some of these matters relate to the designated list. We have already discussed ways in which those lists and that process might be improved. I notice the presentation deals with the voluntary movement. That is something in which there has been a lot of interest.

Mr. Timbrell: I do not want to be misunderstood. I do not mean to interrupt, but I am speaking to more than just the designated staff. I am speaking to the whole question of the position of women in the teaching profession and their opportunities for advancement in the profession.

Hon. Mr. Conway: I accept that. I was making my comments in the final point to the brief itself in some particular way.

2:30 p.m.

Mr. Chairman: We are almost leaving out of this the witness who literally brought this information to us. It might be wise to focus these comments around the recommendations, which deal with a whole series of matters about affirmative action and the concerns of the disparate effect.

Mr. D. S. Cooke: I would suggest to the minister in addition, since we are going to be here for quite some time, that before we get to clause-by-clause debate I would hope we would get some indication from the minister what his response is going to be in the whole area of early retirement, which has a great impact and deals with one of the recommendations.

Hon. Mr. Conway: I would hope to be able to share with the committee the views of the government on that subject at or before that point.

Mr. Chairman: On the first matter Mr. Timbrell raised, which is the first recommendation on the impact study, you indicated you were attracted to that. How soon do you think you can let us know whether it will be possible for us to see that kind of impact study before we get to clause-by-clause debate?

Hon. Mr. Conway: It is a subject in which I have a particular interest because of the concerns a number of the federations and others have drawn to our attention, and it deserves closer scrutiny. I have asked for some of that data and I

will try to provide what has been prepared for me to the committee.

Mr. D. S. Cooke: That is not the question that was asked.

Mr. Chairman: The recommendation on page 18 is that there be an impact study.

Hon. Mr. Conway: In my earlier discussions with the commission, one of the particular difficulties with that request was that the information base was not particularly well established at the time. It may be we can update that and have an impact study done on the basis of the information available at the end of July 1985. That may be not a particularly good data base as regards the overall policy, but I would be quite prepared to undertake to get you that if we can agree that is the point at which—

Mr. Chairman: I think the committee would find it useful. Perhaps the witness might make a comment on how she would see this impact study operating and being done before the move. You also have the sense in your paper of some sort of follow-up to this throughout. Would you care to comment on this to the minister while he is here?

Ms. Luka: Yes. Recommendation 2 speaks to that issue with respect to how you would collect the data required. Although I realize there are not too many plans in place at this point, all of them are plans which could be sent back to the boards with a request for data related to the situation in terms of male/female designation of individuals. That is one way in which it could be done. It should be done on an ongoing basis so that you can take a look at what happens over a period of time.

I would like to express again the reason for bringing forward this recommendation on the need for an impact analysis. It is my understanding the mandate of the Ontario women's directorate is to do that on an automatic basis prior to the implementation of any new decisions by government that are related in any way to policy, program or legislation. Presumably, they could set up the kind of impact analysis I am recommending to the committee.

Mr. Chairman: Mr. Timbrell, anything further?

Mr. Timbrell: No, only to agree with that. I assume that is the policy of the new government. The policy of the old government was that every initiative that was brought forward before it was implemented had to have a detailed analysis of the impact on women. You are quite right. I am not sure the directorate could do it on its own, except perhaps to take a couple of jurisdictions

and go into it in some detail. More than that, it would probably need the assistance of the ministry and the commission.

You have made a very good point, and it should be done. Lord knows we have the time. We are going to be here or in rooms like this all over Ontario for months. While we are doing this, that should be done.

Mr. D. S. Cooke: As a former minister you do not happen to know by any chance how much of this was done since June 12, 1984? Even though we would not have had specific legislation, we would have—

Mr. Timbrell: I am aware of some analysis being done within the directorate, or ongoing work with the Ministry of Education and school boards, on affirmative action programs.

Mr. Chairman: Mr. Cooke, do you have another supplementary?

Mr. D. S. Cooke: No, but if some of that work has been done we should have that information, and perhaps even have some of the people who prepared the information come before the committee.

Hon. Mr. Conway: I have just asked Mr. Green to check with the department. It will come as no great surprise to many of you that the new government did not encounter too many detailed analyses of this initiative that were conducted on behalf of the previous government.

Mr. Timbrell: Hold on.

Mr. Chairman: Mr. Timbrell wants to get into this.

Mr. Timbrell: I am not going to let that cheap shot pass.

Mr. Chairman: I thought I would pause.

Mr. Timbrell: The minister knows very well that by an agreement made by the leader of his party with the leader of my party the documents of all former ministers are their property. There have already been discussions between the leader of his party and the leader of my party about access to those documents and the process for getting them. I do not know whether the minister was trying to imply he was being denied information. If he has been denied information he has asked for, I would like to know about it and take it up with my leader. If he is implying no work was being done, that is not the case. I am not sure what he was implying, but I am not going to let the matter just hang there.

Mr. Chairman: I am sure we are about to find out. What was the minister implying?

Hon. Mr. Conway: I was stating that as Minister of Education sworn to office on June 26, 1985, I did not encounter and have not encountered many detailed analyses on this question done on behalf of the previous government.

The member for Windsor-Riverside (Mr. D. S. Cooke) has raised some interest about financial analyses done for the previous government. I am not going to rehash that old straw, but I think it is fair to say that in the past four and a half weeks we have tried to develop our own policy and to put it before the House and the province. That is what we are here to do.

I appreciate what the witness has said and I share the concern of the member for Don Mills (Mr. Timbrell) about affirmative action. As a government, we are committed to that and we are anxious to see school policy develop in a way that does not have a discriminatory impact on women in the teaching profession. We will undertake to do all we can to ensure that does not happen.

Mr. Chairman: I heard Mr. Timbrell volunteering to try to get any information from any of the past Tory ministers who might be keeping it from you. I am sure there will be great co-operation all around.

Mr. Allen: I want to compliment Ms. Luka and her support group for presenting a detailed presentation on the whole issue of the impact on the role and place of women in the education system of this province.

We were all alarmed just over a year ago when a study appeared to indicate that women not only were not holding their own, but were falling behind in access to positions of added responsibility in the public education system in this province. After some years of beginning to attack the problem of affirmative action, that was a bit of an alarming statistic. We were at least somewhat encouraged that the second or third past minister—one loses count these days—instituted something of a program to begin to retrieve that ground. However, we all know that not all boards have avidly taken up the program of affirmative action and, therefore, we have a lot to look forward to.

There is not much question but that I and my party, and I suspect most members of this committee, will agree with the bulk of the recommendations you have made. If we are going to attack this problem with any vigour, we are going to have to do it with information. Therefore, we are going to have to have the kinds of studies you have referred to, in particular in recommendations 1 and 2.

Correct me if I am wrong, but I suspect that at the point of implementation of the plan there may be a little difficulty in working from immediate statistics because of the fluid nature of the process. I like your idea of working it all into a period of one year where it can be seen to be happening and be looked at that much more closely. That perhaps gives us a better handle on it. We had already made some recommendations that the minister bring forward his response on the question of early retirement and all those penalties and retirement gratuities, who would cover the costs for them and so on.

2:40 p.m.

All this brings us back to the rather striking table on page 6 which shows an interesting flow-through of women in the various subject areas. It is quite clear there is a hierarchy of ghettos, if one can call it that, in the school system that needs to be attacked in a very particular way.

Am I wrong in thinking our major problem is putting in place significant and effective mandatory affirmative action programs across the whole system? Is that a bigger problem than getting at it specifically through Bill 30?

Ms. Luka: It is a long-term problem that needs to be addressed on a systemic basis. The whole question of whether mandatory affirmative action programs will address the clustering of women in specific subject areas probably is not answered in hiring processes at the school board level so much as in what young women and men are taught as they go through the system about what kinds of futures they have. Also, what they learn when they start to make selections about university courses, and as long as they are there what comes out of the training programs. Then the affirmative action in the board clicks into place. The reality we are dealing with right now is still that a very small number of women are trained, even, in some subject areas.

Mr. Allen: Have you done a comparison of the subject concentrations in the two systems that would give us at least some sense of where the displacement is likely to occur and, therefore, whether one is more or less likely to have women transferees?

If the growth in the Catholic system is heavy in English, that is a different matter in terms of open positions than if there is a growth in technological studies. The draw will be a quite different proposition in relative cases of that sort than if it was all clustered together in one part of your

graph, where the concentrations of women in the system are comparable.

Have you done any of that cross-system comparison to refine your own method?

Ms. Luka: No, I have not. The only information easily available to me was Ministry of Education statistics on employees in the public system. One can look at that or one can take the figures that were presented here last week by the Ontario Secondary School Teachers' Federation, related to the drop in grade 9 option choices, showing a drop in the registration in English courses of 11 per cent, a drop in business studies and so forth, and see if there is any way of cross-matching the availability of jobs.

The concern is not so much whether there will be jobs for women in the separate board but whether there will be women left in the public board.

Mr. Allen: Yes, but the losses would be determined a bit by that whole subject area impact also.

I assume our concern overall is the presence of women in the public system, both sides of it, unless you had a reference that the impact was similar in both systems. I gather all your other tables deal specifically with the public school dimension. Do you have any statistics, or are you aware of any being gathered, that give us a sense of the profile of women in the separate system by subject, by position of added responsibility, etc.?

Ms. Luka: At the Focus on Leadership conference in March 1984 information was presented on the numbers and proportion of women holding positions of added responsibility in the separate schools in the elementary panel and in the public schools in the secondary system. That information is available. I am not sure whether there are any provincial data by subject and by sex. The information I used here was Ministry of Education data. There is some.

Mr. Allen: Where can that other study be found?

Ms. Luka: It was part of the material used in the Focus on Leadership conference, which was jointly sponsored by the Ontario government and all of the educational associations, at which the then Minister of Education announced her request that boards establish affirmative action. It was at the end of March 1984.

Mr. Allen: Could the ministry provide us with that particular set of statistics?

Mr. Chairman: It is being jotted down, and we will try.

Mr. Allen: Beyond that, I do not have any further questions. I am not quite clear as to some of the specifics that might be attached to Bill 30 in addition to the one specific form in recommendations 3 and 4. Are there any other proposals you think might help us in Bill 30 that you have been thinking about, that you did not include in the recommendations because they were not perhaps well formulated in your mind to date?

Ms. Luka: The only way I could answer that is that I think what would really be needed before the question could be answered adequately is the impact analysis, which would provide the data on which to base any possible strategies for minimizing this.

Mr. Allen: That would be my sense.

Mr. Chairman: I have three small points.

First, on recommendation 3, which talks about giving power to the commission not to allow a decrease in the percentage of women teachers and not to allow there to be a subject area in a specific school that would not have a woman role model teaching in it: I wondered if you meant that to be as absolute as that, given that we have already been hearing so much about the one-school town with a very small population where there may be only the one teacher now available. How do you see that being implemented, given the need for flexibility, given the range of scenarios we are going to see around the province?

Ms. Luka: My only answer to that can be that when one formulates recommendations from my position, one formulates the ideal. In reality, what will happen is that there will be flexibility built into a situation in order to accommodate the ideal. If the ideal is mandated, one can rise to the occasion basically.

Mr. Chairman: So it is a direction for them, something to aim for. That is what I presumed. I just wanted to make sure that was the case.

Second, I noticed in your stats about where the high percentage of women teachers are, family studies turns out to be an area where the proportions are reversed—90 per cent or more are women and only a few per cent of men are involved. Given the interest in that area and the developments that are happening there, is there a major difference in the curriculum around family studies in the two different school systems that might cause some difficulties in respect of what people are used to teaching compared to what they would have to teach if they were part of this group that was moved to the separate system? Are you aware of different curricula in the two

systems around family studies? Are there major differences?

Ms. Luka: To the best of my knowledge, I would assume that any course on family studies which is taught for credit in any high school program in the province conforms to the ministry requirements related to curriculum. Perhaps someone from the ministry can speak to that more effectively.

2:50 p.m.

Mr. Green: That whole set of curriculum guidelines is at the moment being revised, as everyone is aware. In conjunction with family studies, the whole question of family planning will emerge in that. There will be an accommodation in the guidelines that will permit that to be dealt with in a philosophical, and I suspect, a religious context. However, that will not be developed with specific teachers in mind of that cast. That is the only comment I can make. I would anticipate the family studies area will not lend itself immediately to direct switches back and forth, and that an individual teacher may, as we have seen in the Ontario Secondary School Teachers' Federation submission, have some difficulty in accommodating in that direction.

With the latest Ontario Schools, Intermediate and Senior divisions guidelines information, or at least the latest analysis by OSSTF and the moves in OSIS, there is one omission on this list. I do not have the statistics but the recent indication of options indicates a considerable increase in the arts enrolment, which is not reflected here—music, dramatic arts, visual arts. I do not know what the sex distribution of the teaching cadre is in that arena. It shows a dropoff in technological studies, a dropoff in family studies and a slight dropoff in business studies. I would suspect the impact would be different in each of those arenas on the sex distribution.

While we would be prepared to undertake the first recommendation, I would caution about one or two things with it, if I may. In terms of arriving at the potential for disparate impact on women in public secondary schools, much will depend on the criteria for viability in both the public and separate systems that will be arrived at with consultation with the planning and implementation commission in the very near future. So, depending on what assumptions one begins with about what is viable, the impact will have to be tailored to a certain set of assumptions, otherwise the potential would have nothing to rest its case on.

Mr. Chairman: Your first comments give me some concern in relation to the problems we have

talked about, such as adjustment and the reality of people crossing over. If there are fairly large constraints on family planning perspectives and the kinds of things that might offend the conscience of the individual who wishes to move, when shall we get some idea of what those new guidelines will look like? Then we shall possibly be able to see if that is going to disproportionately affect a woman's decision not to accept jobs or not to want to be on a designated list, if I can put it that way, to move to the other system.

Mr. Green: I repeat, the guidelines will be designed in such a fashion as to accommodate the sensitivities of both the public and the separate system. So in themselves they will not perhaps give any assistance in that respect. It will be more the board elaboration on the guidelines, which is a common fashion in the educational process.

In answer to your specific question however, I cannot give a date. I do believe that guideline is out for validation this fall, which means many copies of it will be around the province. I think it is scheduled to go out in September, but I may be off by two or three weeks.

Mr. Chairman: If you could let us know that it would be useful.

Mr. Green: Yes.

Mr. Chairman: I have some concern about the sensitivities of the individuals involved who are going to be put on designated lists disproportionately, because potentially the women would have difficulties with an absence of a family planning component, which is something we will need to take into account as a committee.

Mr. Ward: Do those boards that have affirmative action policies and positions now use gender-related data during their normal hiring practices? I know most of your presentation deals specifically with the impact of Bill 30, but, in general terms, what is the process as it exists across the system currently?

Ms. Luka: As of the upcoming September report, all boards of education will be required to submit sex-related data on hirings, promotions, rate of application and so forth, for the first time. Boards that have instituted affirmative action programs have been doing that for a number of years. I would simply add as a cautionary note that there has been relatively little hiring in public boards, so I do not know what the situation is.

Mr. Ward: That data is not available now but it should be after September?

Ms. Luka: Yes.

Mr. Chairman: I would like to thank you for your presentation and the way you have summarized the discussion, which allowed us to move through it and get to some of our questions. It has been very helpful indeed. We appreciate your coming before us.

Our next delegation is Ms. Jean Gammage, whom we invite to come up and take a seat. We are running a little late today. No one said these committee hearings would be always to the point in the matter of time. Exhibit 81 was distributed to members a little earlier. You have seen how things are done here. Would you like to kick off and take us through the report? We will open up for questions after you have finished.

JEAN GAMMAGE

Ms. Gammage: I would like to read through the brief with you. Unlike Shelagh, I shall be asking you questions because I need enlightenment in some areas.

As a citizen of Canada resident in Ontario, I am pleased to have this opportunity to share my concerns with the committee.

During the recent provincial election campaign I wrote to the three party leaders on the issue of extending funding to Roman Catholic secondary schools. Like former Premier Davis, I believe that in an open and dynamic society such as ours, basic issues are not resolved and sincere differences are not settled in silence. Yet the issue was avoided and I feared the public would not have an opportunity to be involved in a thorough and honest debate because all parties were agreed on it.

This bill not only opens up old wounds, it has created divisions which, given the contemporary composition of the population of Ontario, could lead to tragic consequences seriously affecting the social, economic and educational wellbeing of a significant segment of our people.

Although we are not governed by referendum or plebiscite, our elected representatives must know our feelings on issues as important as this so they may govern wisely, not merely following the dictates of party policy but being ever sensitive to the wishes of the people whose servants they are. Members are not elected to govern as they please in isolation, removed from the realities in the lives of the remainder of the citizens. Therefore, every bill brought forward in the Legislature should be in the best interests of all the people and Ontario.

Before dealing specifically with the bill, I would like to highlight its social, economic and educational implications. Although much of

what I will say has perhaps already been voiced by other speakers, it is worth repeating. I should tell you I am a teacher.

Social implications: This concerns me very much. The Ontario of 1985 is not the Ontario of 1867 when the rights of Roman Catholics and Protestants to have their own educational institutions were protected in the British North America Act. The act was set in time, the Fathers of Confederation hardly imagining what the face of Ontario and Canada would be like only 118 years later. As we know, laws develop out of the social and political reality of a people. It happened then; it should happen today.

Protecting minority rights in 1867 resulted in the establishment of a dual educational system. However, while the Protestant system has changed to become the public system accessible to all teachers and students, the Roman Catholic separate system has been less open. I wonder about the practice of protecting the religious minority since Roman Catholics currently represent a majority among minorities, hardly in need of protection in a province with devotees of all major world religions, Judaism, Islam, Buddhism, Hinduism, Sikh.

3 p.m.

It may be fine to talk about correcting past wrongs or that such legislation is a matter of basic justice; but what is basic justice if it discriminates against all other religious groups, especially in a province and a country that advocate multiculturalism, recognizing all groups as being equal irrespective of religious, racial, national or ethnic differences? As Mr. Davis said on June 12, 1984, "We are not mere hostages to old arrangements, so we have a contemporary responsibility to be sure that our answer to this question strengthens rather than fragments the social fabric of this province." Back in 1971, Mr. Davis also said, "To embark upon such a policy could not be, in reason or justice, limited to some faiths and denied to others."

Whereas most Ontarians who arrived 1867 accepted two separately funded elementary systems, to now ask this multireligious population to perpetuate and extend funding for the secondary educational system of one religious denomination is undoubtedly going beyond the limit of what is just, fair and right.

Once this bill becomes law—because this seems to be its destiny, given the all-party support for it—then all other religious groups who currently operate, or hope to operate, educational institutions will, I think, feel justified in seeking public funds to support their schools. Already,

many groups have begun to lobby, as noted in Hansard of June 12, 1984, for example: Georgetown District Christian School Society, Rockway Mennonite Collegiate, Holland Marsh District Christian School.

Let me hasten to add that I do not believe a system of education based upon religious affiliation is the route to pursue. Religion, in spite of its ideals, has not been known to build tolerance. Those parts of the world that segregate and separate people on the basis of religion are today the arenas of sectarian violence: Lebanon, India, Ireland, to name a few.

In the final analysis, religion is a matter of choice, whereas education, particularly in a western technological society such as ours, is not. Survival depends upon education: the ability to learn, gain knowledge, acquire skills and expertise necessary for one to lead a productive and useful life while encouraging individuality, ultimately preparing the student to contribute and participate in the life of the society. Living and learning are intertwined, and what better place to make it happen than in a public educational system open to all. Ontario should not, at this time in its history, be seen to be advocating a system that would foster a sense of "we and they" among its people. Separation inevitably leads to segregation.

It has been a marvellous and truly rewarding experience for me to teach in a junior high school with a very mixed population and listen to Muslim, Jewish, Christian and Hindu students discuss and share beliefs and practices. Last month, I listened to Muslim, Protestant and Roman Catholic boys discuss what to wear and do at their classmate's Bar Mitzvah. A Jim Keegstra could not have lasted long in a setting such as that.

In 1971, when Mr. Davis was Minister of Education, he recognized the wisdom of maintaining one public secondary school system. He said, "We must not undertake a course of action that by its nature or in its execution would cripple or limit the viability of our nondenominational public secondary school system which is accessible to all and universally supported." Why advocate the opposite position in 1984? What has changed since then? The composition of the population.

Although Roman Catholics now comprise, according to estimates, one third of the population, the religious diversity is even more evident in 1985. Was there any political advantage to be gained by changing positions?

On the economic implications, we live in a time when taxes along with educational and social service costs are escalating. The provincial share of educational expenditure has declined, yet the government is planning to undertake a program of extending funding to Roman Catholic secondary schools. The costs seem to vary, ranging from \$40 million to \$360 million. Can we afford it? Where will we get the money? What else will suffer?

In the 1970s, when the educational system was expanding rapidly and funds were more readily available, Mr. Davis did not consider the extension of funding a wise decision. How can we justify this expenditure when the squeeze is on, especially when a public secondary school system is open to all? To direct funds into the development of a superfluous secondary school system is uneconomical, unnecessary and unwise.

Even the act of transferring existing public secondary schools to the Roman Catholic system will incur costs that can hardly be deemed to be true educational costs. To duplicate costly services is wasteful and should never have been considered or promised. There is no economic advantage to be gained.

To suggest and argue that Roman Catholic parents suffer hardship because they pay fees if they choose to send their children to Roman Catholic secondary schools is a rather weak basis for the province to incur additional costs. If one makes that choice, for whatever reason, then surely the responsibility for meeting the financial obligation should not be transferred to the party that has already provided a free, universal, accessible public secondary school. Parents who send their children to other private schools make a similar choice. I am sure most people who believe in one public system would not support the idea of funding private schools.

Why are we in a hurry to implement a program before its true costs are known? If this legislation is fair and just, why did the Tories not introduce the bill soon after Mr. Davis's announcement on June 12, 1984? Why are the hearings being held when it would appear that the decision to fund, starting in September, is a fait accompli?

On the educational implications, in our public secondary schools students currently have a wide selection of courses and options. As students transfer to the Roman Catholic system, it is quite likely that some of those courses will no longer be available due to the decline in enrolment. With both systems struggling to recruit students in order to run viable programs, the students will

suffer. Will energies be spent on public relations exercises rather than on meaningful educational programs? Can two small secondary schools in a defined area be less costly to administer than one large public school? Will they both be able to provide quality education?

Bill 82, dealing with the integration of special education students into a regular program, is still in its implementation stage. The Ontario Schools, Intermediate and Senior Divisions document is in its infancy and now the public system sees its resources dwindling in a climate where there are rising expectations to maintain standards, provide a wide assortment of programs and respond to the educational needs of its student population while recognizing individual differences, whether weaknesses, strengths or learning styles.

While the bill states that the Roman Catholic system will hire, for 10 years, those teachers from the public system declared surplus because of the decline in enrolment directly attributed to the transferring of students, the public system will experience a brain drain of its younger teachers. Can the public system afford to lose its less senior teachers? It needs to maintain a broad cross-section of people of all ages because of the strengths, abilities, skills, creativity and innovation which each group contributes to the well-being of the system and the education of the students. In addition, will the public system be left with the hard-to-serve because it can refuse no one, while the Roman Catholic system can be selective?

3:10 p.m.

If quality education is our objective, then religious considerations are extraneous. Let the religious institutions fulfil their role and function while allowing the schools to concentrate on providing the best possible education for all students, irrespective of background. By the time the students are high school age, they should be associating with more than just their own kind, whatever that happens to be.

I have read Bill 30 from the perspective of a layperson with no legal training or expertise. Parts of it are unclear, so I will merely put questions to you in the hope that you can enlighten me. Let me hasten to add that I am totally opposed to the bill and to the extension of funding to the Roman Catholic secondary schools. However, if we are going to have to accept and live with a policy that I consider to be divisive, regressive and costly, then perhaps this exercise has some merit in allowing the public and those most affected by this change to at least

express opinions about the system they will have to function under or fund.

On subsection 136a(3), has the planning and implementation commission submitted its plan as yet so that we can learn whether the extension of funding to Roman Catholic secondary schools will promote the best interests of public education in Ontario? If the commission has, why are we here and why have we not been told its findings? If it has not, why is the commitment to funding already in place before the bill has become law?

On subsection 136i(1), will non-Roman Catholic trustees be allowed to sit on Roman Catholic school boards to ensure the protection of the rights of non-Roman Catholic staff and students?

On subsection 136l(2), what kind of hiring practices will there be in the Roman Catholic system 10 years hence? Once designated staff have been hired, will the system revert to its previous discriminatory hiring practices in spite of the fact that it will be a "public", fully funded system?

On subsection 136l(10), dealing with salary rights, how will the annual rate of salary be determined for a designated person after the first year? Currently, the salary scales vary from board to board and from system to system. What will happen to the salary of the designated person in the second year if the person is earning considerably more than his or her counterparts in the Roman Catholic system? Will there be a wage freeze until the others have caught up? How will this affect staff morale?

In subsection 136l(19), what exactly does "creed" cover? It might be useful if a precise definition were provided so that its limitation and resulting implications would be clearly understood.

In subsection 136o(1), the right of non-Roman Catholic student to attend a Roman Catholic secondary school appears to have limitations placed on it, that of availability of space. If there was a shortage of space, would a Roman Catholic student face the same limitation? Can or should a publicly supported educational institution such as a secondary school deny access based on religious affiliation, whether or not space is available?

In subsection 136o(7), why is a distinction made for non-Roman Catholic students, whether they "shall" be exempt or "may" be exempt from programs and courses of study in religious education?

Indeed, as Mr. Davis said on that historic day in 1984, "implementing a dual secondary system

will necessitate wise administration," bearing in mind that the "ultimate objective will be that of providing high-quality education at the lowest possible cost to the taxpayer." The task is easier said than done. I think of the story of Solomon in the Old Testament attempting to identify the real mother of a baby. Oh for a Solomon today who could provide the wisdom and guidance necessary to heal the divisions this bill has created while allowing us all to see and understand the responsibilities and expectations implicit in public education.

This bill has been and will continue to be a Pandora's box unless we quickly realize "the merit and value of a single, universal, publicly supported secondary school system." Those were Mr. Davis's words.

Thank you for allowing me the time to express my concerns about this policy. I hope you will be able to answer the questions I have asked.

Mr. Chairman: Thank you very much. Perhaps we could start by allowing the minister to respond to your questions and then we will go on to questions from the members.

Hon. Mr. Conway: Mr. Chairman, I will very quickly go through the questions Ms. Gammage has outlined on pages 8 and 9 of her brief.

First, "Has the planning and implementation commission submitted its plan?" The commission has a mandate to assess the plans of separate school boards across Ontario which have demonstrated an interest in secondary school programs and a willingness to offer them. The commission must assess those plans with a view to how they are meeting the criteria set out in government policy and, in that process, they have engaged in quite an active dialogue with those separate boards and others in the community. In one case they rejected a proposal in northeastern Ontario for this year.

It is their responsibility as a commission to see the policy of extension is carried forward in a way that meets the criteria of government policy, one of which is that this completion must ensure the best interests of public education in Ontario are protected.

Second, "Will non-Roman Catholic trustees be allowed to sit on Roman Catholic school boards?" The answer is no, simply because non-Roman Catholics will not be eligible under the terms and provisions of the legislation and they are not now. A non-Roman Catholic cannot serve on a separate school board for purposes of elementary programs.

Third, "What kind of hiring practices will there be in the Roman Catholic school system 10 years hence?" I would hope hiring practices in the Roman Catholic school system 10 years from now will reflect, to a considerable degree, the experience of the process of completion. It is difficult for me to predict with certainty what those are going to be.

Salary rights: "How will the annual rate of salary be determined for a designated person after the first year?" If there is a differential after the first year, that individual will be red-circled. In many cases the differences between the two panels now are not appreciable, although in some cases they are. The answer will be in the collective bargaining process.

"What does 'creed' cover?" We had a discussion in the committee about that and it is the view of the government, on the basis of the advice the government has had, that creed includes life-style. It is an expansive as opposed to a narrow interpretation.

Ms. Gammage: Could I go back to the one about the trustees?

The Vice-Chairman: May I suggest you let the minister finish. Many of the questions you have asked are sections of the bill that could in all likelihood be amended. We just do not know what will happen at the end. The purpose of these hearings is not to have a dialogue, necessarily, with the minister as much as with the committee members who will ultimately be passing judgement on and amending the bill.

Hon. Mr. Conway: The next question was: "The right of a non-Roman Catholic student to attend a Roman Catholic secondary school appears to have limitations placed on it, that of the availability of space. If there was a shortage of space, would a Roman Catholic student face the same limitation in the separate system?" The answer is no because, as there is now in the elementary panel, there is a guarantee of access to that system to which your taxes are directed. If you are a child of a separate school supporter you must be provided for by the schools operated in that system.

3:20 p.m.

"Can or should a publicly supported educational institution such as a secondary school deny access, whether or not space is available?" I wanted you to clarify that.

Ms. Gammage: I was concerned that in a publicly funded school a Roman Catholic would not be denied access simply because someone could say there is no space, whereas if someone

was not Roman Catholic then that limitation would hold. However, you said that would not be so, on the basis of how the taxes were being directed.

Hon. Mr. Conway: That is right. You must be provided for by either system. The one to which your taxes are directed must do so. You may very well be educated in a school operated by the other system for a variety of reasons the bill addresses or just because of convenience. However, it is not possible to find yourself without a place to go.

The final question was, "Why is a distinction made for non-Roman Catholic students, whether they shall or may be exempt"? The point here is simply that we have said in the legislation that if a non-Catholic is in a separate secondary program for specific reasons such as distance, program or handicap, then he or she, upon application, must be afforded an exemption from religious instruction. If, on the other hand, a non-Catholic is in a Catholic secondary school by choice—he or she would just rather go there, though he could go to a public school—then it is our feeling he may decide to be part of the religious program, as do many non-Catholics in that situation today, or he may not; but it is permissive.

Mr. Timbrell: I know what you are saying. This is a subject we have been and will be debating. You are saying that if two students show up at the main door of Pope John Paul II, to name a school whose students were very well represented here last week, and one is Catholic and the other is not, then the effect of your bill is that the administration can say to the non-Catholic: "I am sorry, we have no room. You will have to go to the local public high school." It can then turn to the Catholic student and say, "We will make room for you."

That is an issue that has bothered me for a very long time and with which we will have to grapple before we are finished with this bill.

Mr. D. S. Cooke: It is not unlike what happens in school jurisdictions now. For example, the policy at my board is it has an open school boundary policy, but if you live within the school boundary you have a right to go to that school. If you live outside it, you apply. Two students could show up at the Riverside secondary school and say, "We want to apply to go to your school." One is told: "Sorry, we are overcrowded. You cannot attend." The other one is told: "You live within our boundaries. There is enough room for you."

Mr. Davis: That is different. The secondary educational system in this province must take—

Mr. Chairman: I would like some order. Mr. Davis would like to respond and then I will allow the minister to reply.

Mr. Davis: I was just going to say Mr. Cooke is absolutely correct where a public secondary school student applies to go to another high school within a local jurisdiction. My understanding of the Education Act is that if a separate school student applies to go to a public secondary school anywhere in the province, then the authorities must allow that student in. That is the Education Act today.

That act is now going to change dramatically. As I understand Bill 30, which makes a change in the education policy of this province by granting complete accessibility, we are now going to put in "limited by space," which is not there now except for the transfer from school A to school B in a specific geographical location under one operating board.

Hon. Mr. Conway: The Education Act is going to change, Mr. Davis, because there is going to be a significant change in the secondary panel. There will be two secondary panels.

Mr. Timbrell: Both publicly funded.

Hon. Mr. Conway: Both publicly funded. What we are saying in this bill is that the pattern of access in the secondary panel will be very much as the pattern of access has been in the two panels at the elementary level for a long time. The difference, Mr. Timbrell, between your two students is that one of those students was a Catholic—it is a Catholic school in your model. Presumably, that Catholic student is the child of a ratepayer who is directing his or her taxes to the support of that school. The situation is no different there to what it would be now.

I have used the example before. If you are a non-Catholic elementary student showing up at the door of a Catholic elementary system, you have no automatic entitlement to a space in that school. Your automatic entitlement is to the elementary school operated by the public board in your area.

Mr. Chairman: We have a witness before us and I have three people now who want to get into the debate on this matter, on which we have had a bit in the past and which we will continue to have as we hear from you. I am willing to be guided by members of the committee, but we do have a witness. You have sponsored this outbreak of debate, which is a wonderful thing, but I do not want to have the witness excluded from it in the process. Therefore, if you can draw into your remarks things that our witness has raised as well

as just directing yourselves to the minister, I would appreciate it.

Mr. Ward: To proceed with the discussion that has already taken place, in response to the witness' concern over section 1360, I would like to come back to Mr. Timbrell's analysis and get some clarification. As I understand it, in his model there was a Roman Catholic student and a non-Roman Catholic student applying to a separate secondary school. Am I incorrect in assuming that if the non-Roman Catholic student's family was enumerated as separate school supporters and directed that their property taxes go towards the separate school system, then neither one of those students could be denied access? Is that not correct?

Mr. Chairman: Instead of trying to answer as the chairman and getting myself into trouble, I will ask the minister or a ministry official to respond to that.

Hon. Mr. Conway: A non-Roman Catholic cannot declare, and I do not believe has ever had the right, to declare himself or herself a separate school supporter.

Let us be honest about this. As Mr. Davis will know, for a long time we have allowed Catholics the choice—

Mr. Davis: By law.

Hon. Mr. Conway: By law—of being a public school supporter or a separate school supporter. That pattern is not changing in this legislation. We are still allowing Catholics the right to declare themselves public school supporters.

Mr. Chairman: Would anyone like to respond to Mr. Ward?

Mr. Timbrell: I just want to help Mr. Ward.

Mr. Chairman: Do help Mr. Ward, please.

Mr. Timbrell: The point is that as it stands today if those two students go to the front door of the Victoria Park secondary school, to name one in my community, they are both going to be admitted. This proposed law changes that so that—

Hon. Mr. Conway: No, it does not.

Mr. Timbrell: It does in that you are introducing the space availability principle into the public system as justification for putting it into the separate system high schools.

3:30 p.m.

Hon. Mr. Conway: What we are doing in this legislation is providing a separate secondary panel in many communities, not all. There will now be two secondary school systems, just as we have had two elementary systems for a long time.

All we are doing in this legislation is carrying forward the access provisions of the two systems.

The difficulty I have with your argument is that your party as a government have lived with these conditions for a long time. You are making something of the extension of those provisions into the secondary world where we are now completing the separate system. For the first time there are going to be two publicly funded secondary systems, as there have been two publicly funded elementary panels.

Mr. Chairman: I know you are saying that to help Mr. Timbrell. Mr. Timbrell, would you like to help yourself now, and Mr. Allen will help you after that.

Mr. Timbrell: I would like to help the minister because he and his own—

Mr. D. S. Cooke: On a point of order: If we are going to continue clause-by-clause debate on points raised by the delegation every time a witness comes forward, we are never going to get through the delegations. We are all guilty, myself included. It would be more appropriate if we would direct our questions to the delegation. We can have this argument in clause-by-clause discussion in September or October.

Mr. Chairman: I agree, except that the witness did raise questions on which she wanted clarification, and I am not sure that is what she is getting. What I am going to do is recognize two more speakers on this and then move on to either specific questions for this witness or another witness. Mr. Timbrell and then Mr. Allen.

Mr. Allen: Surely this is a point that might be referred to Mr. Green or somebody with long experience in the ministry and who can tell us whether Mr. Timbrell's proposal is a possible scenario. I thought we went all through this about a week or so ago.

Mr. Chairman: I just made a ruling, Mr. Allen. You can make that point in a second or add your point in advance to Mr. Timbrell's, whichever you wish. We will do two more things and then we are moving on.

Mr. Timbrell: I will leave it at that. I have made my point. This bill deals with secondary schools. The minister and his officials have confirmed and will give various legal opinions in writing that the protections of the Constitution and the case law with respect to the elementary school separate system are different from those that apply to the secondary. Therefore, I do not take it that we have to do to the secondary school system exactly what has been done to the

elementary system for over a century. We will have to debate it at some length, I am sure.

Mr. Chairman: Dr. Allen, do you have anything you wanted to add besides a request that the ministry come forward with some information on this?

Mr. Allen: I wish they would give us a written statement that would settle this. The question is not what is going to happen tomorrow. Mr. Timbrell's question concerned what is a fact today between the two systems in terms of access for students who come from different backgrounds and present themselves to different panels in the dual public system. If we could get a statement in writing on what the policy is and how it functions in two or three hypothetical cases, it would help future committee discussions.

Mr. Chairman: The request is noted.

Hon. Mr. Conway: I am most anxious and concerned about settling these kinds of issues because they are obviously troubling some members of the committee. We will try to do so. The witness has raised her concerns as well. It is quite clear to me, and certainly to the ministry, what the current practices are and how they will continue, I think quite sensibly. We will prepare the clearest possible memo and circulate it to the committee on this situation.

Mr. Chairman: I appreciate that.

Mr. Davis: I have a point of order on clarification. I am confused about a statement the minister just made; it needs to be clarified. I am under the impression that in Bill 30 if you are a separate school supporter, your tax dollars must go to the separate school system, and if you are a public ratepayer, they must go to the public system. I thought I heard the minister say that the right of separate school supporters to designate themselves as public school supporters will remain.

Hon. Mr. Conway: What I said is that Catholics have had a choice of declaring themselves separate school or public school supporters and that choice will continue.

Once the choice is made, however, you are either a public or a separate school supporter. You cannot be both, as I understand it. We are simply saying that choice, which has always been there for Catholics, will continue to be there, so Catholics may declare themselves to be public school supporters, as many have done over the decades.

Let us not forget, however—and this is obviously troubling some people, including my

friend the member for Don Mills (Mr. Timbrell)—we have a second system, if we can call it that for purposes of this discussion, which is separate and denominational in its character, and that is something the bill speaks to. We seek in this legislation to complete the public funding of the separate school system.

It comes back to a question the witness raised: What about the rights of someone who chooses to go to a Catholic school? A lot of non-Catholics choose to go to a Catholic school and most non-Catholics who choose to do so, on the basis of the information I have, accept the religious instruction because they understand that to be in the nature of the choice made.

If you are in that Catholic school as a non-Catholic for a specific reason—for example, because there is a program you cannot get anywhere else—then it is not a matter of choice. Clearly, if you are there as a non-Catholic for a specific reason that does not relate to choice, it seems to me it is only fair and reasonable that you do not have to take religious instruction.

Mr. Chairman: Perhaps I could clarify Mr. Davis's question before you go on. If you, as a non-Catholic, send your child for reasons of program to a Catholic school, do you become a Catholic school supporter?

Mr. Davis: No.

Mr. Chairman: That is not your question?

Mr. Davis: No.

Mr. Chairman: Then what is your question?

Mr. Davis: The minister understood my question. I do not think the bill defines it.

What I heard the minister say is that a separate school ratepayer, who now enjoys the prerogative of declaring himself either a public or a separate school supporter, will still have that prerogative as of the day the separate school board declares itself to become a secondary level. On that day, that ratepayer must then decide whether he is separate or public so that his tax dollars will go to one or the other. That is not clear in the legislation.

I was under the impression that if you were a separate school supporter, that is where your money went. If they still have that choice, that is fine.

Hon. Mr. Conway: That is right. If you have problems with the choice, that is another thing. All we are saying there is that Catholics still have the choice.

Mr. Davis: Once it is defined, they cannot go back.

Mr. Chairman: Before we get it so clarified that none of us understands it—

Hon. Mr. Conway: No, you might choose to change. Legislative counsel may direct me, but I think you have always had the choice and you can change the preference. You could decide the next year that as a Catholic you would rather be a separate school supporter than a public school supporter. That is not going to change.

Mr. Chairman: I believe we are abusing the time of the witness having this debate now. I would prefer to have questions to the witness or to move on. Seeing there are no other questions for the witness, Ms. Gammage, thank you very much for coming. I thank you for stewing the blood so well today. That was just what we needed and I appreciate it.

ONTARIO PUBLIC SCHOOL TEACHERS' FEDERATION

Mr. Chairman: The next representatives, only an hour and 10 minutes late, are the Ontario Public School Teachers' Federation. I see them hovering in different parts of the hall and room. Please come forward. This is exhibit 50, which should already have been distributed to you.

3:40 p.m.

You have had a long time to see how we operate, perhaps too long. Would you identify those who are with you and start right off into the brief in any way you like? We will give you your run-through and then we will let questioners have questions to you for this next period of time.

Ms. Hill: I would like to introduce, on my left, David Lennox, deputy secretary of the Ontario Public School Teachers' Federation; on my right, Larry Langdon, first vice-president, and on my far right, David Kendall, second vice-president.

The Ontario Public School Teachers' Federation, an affiliate of the Ontario Teachers' Federation, represents approximately 4,500 teachers employed in the public school system. On behalf of its membership, the federation is pleased to have the opportunity to present its concerns with respect to Bill 30.

At the time of our first presentation to the planning and implementation commission, I expressed concern about the announcement of former Premier Davis because we believed it would lead to the problems we are seeing right now within the school system. How true this has become. The ramifications are far greater than any of us sincerely contemplated.

It seems to me many of the ideas we have as politicians and people who make decisions for

our own constituencies may be very good, but as one starts to try to implement them one finds out how very difficult it is to do so. This is one of those issues. So whether or not you agree there should be extension, the whole issue requires a great deal of study. This has been one of our main problems with the announcement and subsequent bringing-about of the legislation. I welcome this opportunity to have discussions with you.

OPSTF endorses the brief presented to this committee by the Ontario Teachers' Federation. It is the intention of this presentation to support the OTF position but yet take the opportunity to emphasize several matters of concern to the OPSTF. OPSTF policy—which is decided at our annual meeting each August—promotes equality of educational opportunity throughout the province and also supports the provision to each child of an education appropriate to the child's specific needs.

Some of the policies of our federation are: that the schools of Ontario be public and free; that free education be provided to every child appropriate to the child's capabilities; that the provincial government be responsible for the education of its citizens and for a greater portion of the cost; that the school boards be responsible for a portion of the cost of education; that the general legislative grants for education be allocated exclusively to support the schools in Ontario to which access by pupils is open and free, and that the concept of pooling commercial and industrial assessment on a province-wide basis be opposed as an unwarranted intrusion by the provincial government into the taxing powers of local school boards.

The federation believes in the right of every pupil in the province to receive a free education to the full extent of that child's capability. It is possibly better to serve that right with a single school system without division between Roman Catholic and non-Roman Catholic ratepayers.

We are fully cognizant of the stated historical and constitutional rationale for the extension of the separate school system, but the move to ensure rights for one sector of the community must not be taken at the risk of jeopardizing the public school system, which I remind you is the cornerstone of our liberal democratic society in this province. The creation of two fully funded school systems will undoubtedly lead to greater religious sectarian divisiveness. Ontario in the 1980s is obviously far more culturally diversified and complex than Ontario at the time of the enactment of the British North America Act.

The legislators of the province must consider the present nature of Ontario society and not step back in time in an attempt to rewrite history. The extension of the separate school system will only further polarize Catholic and non-Catholic students and consequently undermine the ability of the public system to promote mutual understanding and tolerance among our future adult citizens.

To avoid an unnecessary weakening of our educational system and a further fragmentation of Ontario's society, the federation recommends that the decision to extend Roman Catholic separate schools be reconsidered.

The hearings being held by this committee have been touted as fulfilling the government's obligation to ensure full discussion on the issue. Yet neither the people of this province nor the democratic process is being well served by a discussion which examines merely the mechanics of implementation when the proposed extension itself has never been open to public debate and input.

I must say, I did think we had an election and it had been open to public input, but I guess it was not.

It is misleading to leave the impression with the public that this government is making amends for the failure of the previous administration to fully consider and examine the proposal to extend funding to Roman Catholic separate schools.

Should the members of the Legislature lack the political courage and the collective will to reconsider their position, then the federation strongly urges this committee to recommend that the government delay implementing extension of separate school funding for one year.

We are pleased that the government has referred Bill 30 to the Ontario Court of Appeal to determine the question of its constitutionality. We suggest the one-year delay would be appropriate to allow for a court decision before proceeding with implementation. To do otherwise would unnecessarily risk creating havoc in the schools and fanning the embers of public emotion once again, should the court find the legislation to be unconstitutional.

We suggest it would be incorrect to assume the extension of funding to the separate system at the secondary level will have no direct impact on public elementary schools. Since the public elementary and secondary school system provides access to any pupil and provides a complete range of educational programs, we believe it is

the backbone of the education system of this province.

OPSTF is concerned that the extension of funding to the Roman Catholic secondary school system may have a significant impact on the future enrolment of Roman Catholic pupils enrolled in public elementary schools. Each time I personally appeared on behalf of my federation at the planning and implementation commission and asked that some consideration be given to the public schools, I was assured that at some time something was going to happen. Some members of the Ministry of Education are well aware of the number of times I brought this issue forward during discussions of the bill. Yet when I looked at the bill and saw what was inside it, in talking about public elementary schools, of course that is exactly what was there.

Because the two systems will ultimately offer parallel and comparable tracks, Roman Catholic pupils may transfer to the separate school system. To the extent that this occurs, the potential impact in the public elementary schools will be somewhat comparable to that in the public secondary school system and the effect on enrolment is likely to be a far more dramatic decline than that experienced over the past dozen years of declining elementary school enrolment.

The anticipated shifts of pupils from one system to the other will create problems for both systems with respect to the requirements for school space. The assurance offered by the chairman of the committee during the opening days of these hearings that elementary schools will be protected is not an adequate safeguard to the members of this federation. We have also noted the interpretation provided by the ministry's legislation director that section 1361 does not exclude elementary teachers. But given that until these hearings, the potential plight of elementary school employees has virtually been ignored in the discussion of the separate school issue, we believe Bill 30 should include specific references to both panels with respect to the provisions for employee protection.

A delay in proceeding with implementation is also essential to establish the necessary financial guarantees to ensure that funding to the separate secondary schools will not be at the expense of the public school system. Safeguarding the viability of the public school system will entail, for example, providing special financial assistance to guarantee programs in effect at schools and providing specific protection for single-school communities.

It is the position of OPSTF that implementation of funding to separate secondary schools should not proceed until full consideration has been given to the ramifications for elementary public schools. The separate school issue cannot be divorced from the whole question of the underfunding of education in this province. The moment this announcement was made by the former Premier of the province, I was absolutely stunned. I thought of the number of times my federation has come before members of the Legislature, and indeed bought a number of lunches, to explain to you the problem of elementary funding.

3:50 p.m.

This is the only province in Canada where a six-year-old is less valuable than a 16-year-old. Everywhere else, they put all the money into education and they decide what schools are needed; it does not matter whether you are six or 16. In this province it does. Now I find out we could not afford to educate elementary children at the same level as secondary school children in this province but we could fund three more grades. I am not opposed to funding three more grades but I am opposed to that announcement after the amount of time we have spent talking about that issue.

I see this as a perfect and opportune time for the government to restore its provincial share of education costs to at least 60 per cent of the total and to ensure that sufficient funds are invested in education to maintain quality standards throughout the public system. We remind you that an increase in the provincial share of education costs to 60 per cent has been a long-standing position of both the Liberal Party and the New Democratic Party and that the previous Conservative government made a commitment in its June 4 speech from the throne to increase provincial funding for education through legislative grants. Proceeding expeditiously on this issue should not, therefore, be controversial in this Legislature.

Any restructuring of education finance in Ontario to accommodate funding separate secondary schools and to rectify the imbalance between the provincial and local taxpayers' share of education costs must also address a question of special concern. I want to remind you again that the gap between elementary and secondary education has grown from \$476 in 1976 to \$879 in 1985.

This is an old game that used to be played. In the olden days when teachers were not qualified in the same manner, when elementary teachers

were allowed to teach without degrees and secondary teachers were required to have degrees, there may have been some reason to pay out money to the secondary and elementary schools at different levels. That is no longer true. Nor can the gap be justified by differences in operational costs. A study by the Ministry of Education shows that in many cases it is as expensive to operate an elementary school as it is to operate a secondary school.

Finally, any discussion of the future viability of the public school system must include the question of funding to private and independent schools. As stated in our brief to the Shapiro Commission of Inquiry into the Role and Status of Private Schools in Elementary and Secondary Education in Ontario, the federation believes the use of public funds to establish or maintain private schools would lead to fragmentation of the present public system and that the standards and quality of education would suffer as the resources of taxpayers become increasingly strained. It is the position of the OPSTF that any move to extend funding to separate secondary schools must not lead to the public funding of private schools.

We therefore recommend to you that the decision to extend funding to Roman Catholic separate schools be reconsidered. In the event that the government fails to reconsider its plan to extend the separate school system, the implementation of extended funding should be delayed for one year until the ramifications for elementary public schools and comparable legislative and economic guarantees for elementary school personnel and programs are clearly in place. Any extension to the separate secondary schools must not be at the expense of the public school system.

The government should immediately take steps to restore the provincial share of funding of education to 60 per cent of the total cost. The Ministry of Education should increase the recognized ordinary expenditure ceiling for an elementary pupil to a level that is equal to that provided for a secondary pupil. I can argue that it should be more. Any move to extend funding to separate schools should not lead to the public financing of private schools.

Our recommendations are fundamental to the federation's position and should be received in the serious and positive vein in which they are submitted. However, we will take this opportunity to address concerns within the proposed legislation. The federation has identified a number of aspects of Bill 30 that require further consideration or clarification.

We have made a point about the transfer of French-language schools. It is our position that it is inappropriate to transfer a French-language secondary school as provided for in section 136h. We believe we should go through the procedures that have been mandated by the Ministry of Education before any school is closed. Those of you who have been trustees on local boards are well aware of that process. These procedures include a two-year notification of the proposed closing to allow ratepayers to respond to the proposal.

Trustee elections: We find the bill difficult in this area because we cannot imagine why anyone would be interested in running for a position with a six-week mandate. Those of us who have been hanging around school boards know that little decision-making occurs during that transition period anyway. I would therefore suggest that that part of the bill should certainly be looked at. We have suggested that you may want to extend the term of the current trustees in order to take it to the end of December 1985.

Payment of school rates: It is our belief that the separate school ratepayers should not have their assessment assigned to the separate school system automatically. They should have the right to elect to assign their secondary school assessment to either the public or the separate school system. The choice should not be made for them arbitrarily. I may be misunderstanding the bill, but that is how we read it.

What about parents wishing, for example, to send their children to an elementary school in the separate school system or to a secondary school in the public system? How are they going to be accommodated? If there are two children and the program in the public school is better for that particular child, how are we going to manage that?

Designation of redundant staff: It is our position that the legislation should include a clause to provide protection for elementary teachers and other elementary school personnel declared redundant as a result of the transfer of elementary school students from the public to the separate school system. We are suggesting those personnel so designated remain employed by their present board. The public school system in this province is so impoverished right now in numbers of staff that to leave a few of these people with their schools will certainly add to the richness of the public school system.

Consultation with the branch affiliates: We hope a new clause will be added to this subsection specifying that the determination of the

number of teachers displaced and the identification of those designated teachers by school boards be conducted in consultation with the branch affiliates.

Voluntary transfer: In a case where an employee of a public school board volunteers to transfer to the separate school board, that employee should be accorded the same protection. I know there has been some discussion about that. We recommend that legislative measures be accorded to designated public school employees who voluntarily transfer to a separate school beyond the jurisdiction of a coterminous board.

We are also asking, within this section on perpetual guarantees, that it be stated clearly that the protection accorded public school employees who transfer to the separate school system be sustained for the duration of their career. I know the minister spoke to this issue during second reading of Bill 30, but we recommend that such protection be articulated in the legislation.

Transfer of sick-leave credits: The three clauses providing for the transfer and use of sick-leave credits by a public school board employee are cumbersome and confusing. All the rights of the transferring employee should be totally absorbed by the separate school board. These rights include salary, sick-leave credits and retirement-gratuity experience credits. There should be no limitation on the extent of the benefits absorbed by the separate school board.

There has been considerable discussion on employee discrimination. We believe "and religion" should be inserted after "creed" to avoid a too narrow interpretation of the clause. We further suggest there may be a need to include a legal interpretation of the term "creed" to clarify that this subsection will cover lifestyle in addition to beliefs and faith, so that, for instance, a public school employee transferring to the separate school system will not suffer discrimination because of living common law.

4 p.m.

We also recommend there be further clarification to avoid discrimination against non-Roman Catholic and other designated personnel in promotion to any level of added responsibility within the separate school system. It should be clear there can be no limitation on the level of school administration to which a designated employee may be promoted.

It is the position of our federation there should be open and universal access to the separate schools if they are to be fully funded by public tax dollars. The question of limited accommodation

should be dealt with through special provincial financial assistance and viewed as a necessary cost associated with the policy change regarding the funding.

It is the position of our federation that where non-Roman Catholic students attend a separate school, parents should have an unqualified right to request exemption from religious instruction. We also think the legislation should address the fact that non-Catholic teachers who have to transfer to the separate school system also should be exempt from teaching religious studies.

We do not believe that the planning and implementation commission, in its hearing process, should have quite as much power as it has with respect to decisions on student exemption from religious instruction. It seems like an inappropriate role for the planning and implementation commission. Also, the whole area of the proceedings in subsections 135r(7), (8) and (9) should be deleted. There are too many arbitrary powers given to the commission.

The section regarding the commission and its advice to the minister should be amended to provide clarification with respect to the lines of accountability and responsibility of the commission. The present clause is vague.

We believe the commission should be required to hold public meetings in respect to the provision on separate secondary education in the event there is public demand for such a meeting. I understand that now it says "may"; we think it should be required.

With respect to assessments, we believe corporations, like ratepayers, should have the right to elect to assign their assessment for secondary education to either the public or separate school system.

On the issue of early-retirement incentives, you have heard from our colleagues in the Ontario Teachers' Federation, who have discussed with you that the Teachers' Superannuation Act should be amended to provide for early-retirement incentives.

As a final note, I would like to thank the committee for hearing our concerns. We came to tell you what they are and we hope you will take into consideration some of the things we have said. You may be assured of our future co-operation in dealing with this matter. In return, we hope for your co-operation in seeing that public elementary teachers are protected somewhat by this legislation.

Mr. Chairman: Thank you, Ms. Hill. We had a fair amount of discussion during our briefing stage concerning the problems that might be

involved in the omission of public school teachers from the process, so we are happy to have you here to pose some specific questions about how you see this working. It has been quite hypothetical for us and you are much closer to the possibilities.

I know Mr. Timbrell has a question but I have just one whimsical comment about this business of not liking the six-week mandate in trustee elections, and of the mandate being too short. There are some people coming before this committee who wish our mandate had been for only six weeks and then we could go back to them again. However, your point is well taken and we have noted that as well.

Mr. Timbrell: Having recently completed a mandate as a minister for seven or eight weeks, I wanted to echo what the chairman said. Being a public school teacher myself originally—it has been so long ago I am not sure I am still entitled to say that—I anticipated many of your points. The emphasis you put on the impact on elementary school teachers is one we have raised in committee and that I raised in the House during second-reading debate. I do not want to pursue them, I appreciate all those points.

There is one point you made which is a novel twist, and that is the transfer of French-language schools. Why do you think that process, which follows the closure of a school by a board, would be more in the community's interest than what is provided for in the bill?

Ms. Hill: The bill is very arbitrary about what happens. It is my view with both the French-language schools and any school that is going to be transferred from one system to the other that there should be the school-closing process because that is what is happening for the particular community.

We know not all of the French-language high schools are interested in moving over to the separate school system. They are enjoying the public school system in many instances and perhaps may wish to stay within it. There should be an opportunity for the public to have some say as to whether the school should be transferred.

Mr. Timbrell: May I ask ministry staff or the minister, is it your understanding there would not be any opportunity for public input under the terms of the bill as it is currently drafted regarding the transfer of French-language schools?

Hon. Mr. Conway: I took note of the representation as well and, like Mr. Timbrell, was struck by it. I can only say the intention here was that there not be a disruption of the

French-language instructional unit since there was concern those units be protected as an integral whole. I cannot recall. Mr. Green, do you have any comments on that?

Mr. Green: No, except to assume the initiative for such a transfer would come from the school itself. Currently they would be administered by the public boards. The assumption is that if that initiative did come from the school it would come as a result of a consultation process in the school.

I have not chased that back. I do not see any particular guarantees in this bill that there would be public consultation within the school, but bearing in mind the initiative must come from there, I would think there would be.

Mr. Timbrell: I would have thought the initiative would likely have come from one of the boards, presumably the separate school board, which would have done an analysis of the student population and determined a majority or a plurality was Roman Catholic and would have initiated asking to be moved over. At least that would be one of the ways.

Hon. Mr. Conway: The ministry staff has the data on this, but remember we are starting with francophones who are about 90 per cent Roman Catholic. That is roughly the percentage breakdown.

Under the terms of this legislation, keeping in mind you make a declaration with respect to your tax assessment, in these situations there presumably will now be a large number of francophone separate school supporters—not all, because I can think of situations where francophones have said, “We would want the right to consider staying where we are.” There is no denying that.

I am thinking of the discussions I have had in recent weeks. This matter has not been raised by anyone in particular. Perhaps it is something we should take another look at. I would be quite prepared to do so.

My particular concern was making sure the French-language entity was not broken up in any way. Therefore the legislation provides for the en bloc transfer.

Ms. Hill: It is not necessarily true that because a student population is 90 per cent Roman Catholic, the school will want to move to the separate school system. It is conceivable that whatever is necessary to make the school different is already being provided and, therefore, it is perfectly happy to stay with the public school system. The legislation says, “Here, it is going to happen.” We are suggesting there be a two-year notification of the proposed closing to

allow ratepayers to respond to the proposal. At any school affected during this process, there should be a two-year notification and an opportunity for the public to react.

4:10 p.m.

Hon. Mr. Conway: That is something that should be looked at and I would be quite happy to do that. I hear what you are saying. I want to think about it, canvass the education community and talk to the planning and implementation commission. The point is well taken.

Mr. Chairman: Mr. Timbrell, do you have other matters you wish to raise?

Mr. Timbrell: Not at this time, thank you.

Mr. Jackson: Again on this issue of the transfer of facilities, it is a good thought that you brought into the brief and I appreciate it very much.

You have answered a question that you extend the same process to the transfer of all facilities. Do you have any concerns that the manner in which the legislation is currently written is one-sided, that it only refers to the transfer of public facilities to separate boards? Also, are you concerned about the issue that compensation is not addressed and had been addressed in previous drafts?

Ms. Hill: The issue of compensation is one that greatly troubles us but, as you see, we did not necessarily address it because I do not think we have a solution for it or a suggestion. Our idea of the two-year notification was one that we hoped would limit community problems, which all of us are now sensing are going to happen in Ontario. That is perhaps what is most unfortunate about the present time and this legislation.

In many cases, parents move into areas because of the school system. If you have children you move into the area and you say, “This is nice. So-and-so will go to this school and then on to high school.” It would be a wicked surprise to wake up and find out a particular facility had been transferred elsewhere.

We are suggesting to you that in order to eliminate some of those problems—and this has been the way we have been doing school closings in the province, which are always difficult—the two-year notification and then the process which the ministry has approved would limit some of the problems.

In the area of compensation, we did not feel we knew enough about what moneys had gone into those facilities in the communities at the time to make a recommendation to you about how these should be paid for. There is some sense that a

community could be quite concerned about transfers of property and buildings without some kind of compensation unless the community is fully aware of how the facilities were paid for in the beginning.

Mr. Jackson: Continuing on that same point, as a nine-year trustee, I closed about 13 schools in my day. I saw the evolution of a process that was fair and involved an appropriate level of public input so that the public was aware of the program impact and distance factors, and so on. What role do you see for the planning and implementation commission in that? Or do you see it as a process involving the two school boards in question? Who ultimately would have the final say?

Ms. Hill: I would think at the present time, in most situations there needs to be an arbiter. The planning and implementation commission, I know, has been playing that role. I would assume it would continue to play that role and see to it that the school boards were carrying out the procedures for closure in the proper manner. It would seem to me that if a school were to be transferred from the public school system to the separate school system then the public school system would be the initiator of the process.

Mr. Jackson: The final question is with respect to the clarity you brought to the issue of assessment, that the bucks follow the child, in effect. The parent can direct taxes to whichever panel. It was explained to us that the current bill is so well defined in terms of trustee representation because the assessment is so clearly defined one way or the other.

Given that you have suggested there should be that option, do you think you would have some strong views on the issue of maintaining public representation on a separate board and separate school representation on a public board? That notion was raised this morning by one of the first groups that has articulated it. Have you some comments on that? I have asked the question in this way because in our minds it is tied to assessment and representation. I hope I was helpful with the question.

Ms. Hill: As a public school system, we have had a great deal of difficulty over the years with separate school trustees on school boards. As a trustee, you will recognize there is some difficulty with that process.

Mr. Jackson: There was none in Halton.

Ms. Hill: At times, the separate school trustees took positions on issues that elementary teachers felt were secondary matters and should

not have been discussed. It was particularly noticeable around salary negotiation time.

When preparing our brief, we did not discuss at any great length our position as to whether there should be representation on the school boards. All of it flies in the face of our belief that the public school system should be public and have open access. If you follow that through, you have to say that if there is access there should be some representation.

Mr. Jackson: There are also the moneys that go with it and that is the point I am trying to make. Members of the public are having their tax dollars spent by a system, and yet they are restricted in voting for someone who is spending those dollars.

Ms. Hill: That is right.

The other concern we were raising is an interesting one you will have to solve. It is the issue of parents who wish to send one child to one system and another child to another system. This will be especially true when you know you cannot extend funding to separate schools and expect they are going to offer a full range of programs. That is absolutely impossible unless you have more money than I think even you have. Therefore, some programs are going to be offered in other school systems that parents will have to take advantage of to ensure their children get a proper education. How are you going to decide how the tax dollars are going to be spent in that system?

A number of Roman Catholic parents want to send their children to Roman Catholic elementary schools. They feel that is important because they want their children exposed to the religion at an early age. However, they do not want them to go to separate high schools. They believe it would be better for the children to be in public high schools. What are you going to do about that?

I do not know what the laws say about what happens if a husband and wife have a difference of opinion and decide to send one child to one place and one to another place. What happens to the tax dollars? It is completely possible that could happen.

Hon. Mr. Conway: I will comment on a couple of those points. Purchase of service is the obvious answer to your second to last point. You are quite right that there are going to be situations when students may find they cannot be accommodated by their own board for purposes of program or whatever. They will have to be provided for elsewhere and a fee-back mechanism will be established to accommodate that.

It seems to us that from a technical point of view it is a lot easier to arrange a fee-back than it is to try to work out something at the other end. The technical people in the ministry can speak to that a lot more effectively than I can.

We expect there will be a lot of separate school students in schools operated by the public system, and the fees will be paid from their home boards, the separate boards, to the public boards. For example, I expect that in many single-school communities or rural areas that will be a fairly typical pattern of delivery. That is the way I expect it to work.

Mr. Chairman: Do you want to address the other question about husband and wife differences?

Mr. Timbrell: You have no qualifications for that so be careful.

Mr. Chairman: Do you want to try it, Mr. Timbrell?

4:20 p.m.

Hon. Mr. Conway: I consider it to be quite a good question, one I have raised with some of the officials. Perhaps I will ask one of my two Bills to comment on the question of the situation where the—may I put that again?—the husband and wife are having a difference of opinion as to which system they choose to support and where they will be allowed to direct their taxes and send their children. It is a reasonably technical matter, I am told.

Mr. Chairman: It also accounts for divorce, I presume. That is another matter.

Ms. Hill: They may not be married.

Mr. Chairman: There is always that.

Mr. Kirkwood: As I understand the process at present, the decision has to be made as to who directs the taxes where and who is eligible to direct those taxes. There have been a variety of technical ways of getting around it, including leases between husband and wife under those circumstances.

Under this bill, for secondary purposes, it will be possible to avoid fights between husband and wife in that you can direct your taxes to one board. At the secondary level, you could have one child go to the public system and one to the separate system, one as a matter of right and the other if space were available.

Mr. Allen: I would like further clarification on that. If the parent is asking that one child go in order to access a program and already has another child in the elementary public panel, then what happens? You said "if space were available," but

space availability does not appear to apply in the special cases where you are accessing a specific program to which you are deemed to have a right or if you are there by virtue of a handicap.

Mr. Kirkwood: The bill now deals with handicap and program with respect to exemption from religious education. It does not deal with access to programs. That is elsewhere in the Education Act.

Mr. Allen: In accessing the second system, is there any distinction between going there by choice or for programs or special needs of some kind?

Mr. Kirkwood: In that section of the bill, it is envisaged that in the case of an individual who is not a separate school supporter but wishes his child to go to the separate system and gets him into that system because there is room, then subsequently asks for exemption from religious education, two factors come into play: whether it would be a matter of right that he could apply for and receive exemption from religious education or whether he would have to apply and let the board make the decision. Because of the way the bill is written—

Mr. Allen: I am not concerned about the exemption from religious education. I am concerned about whether there is any impact on the way the money transfer takes place or the right of access in general.

Mr. Kirkwood: The right of access relates to, as a matter of right, the direction of taxes.

Mr. Allen: The more I look at that part of it, the more the Saskatchewan system seems very simple. You split your taxes. You phone the board and say: "Next fall I am sending my oldest child to the separate secondary system. Will you please designate my taxes accordingly?" It seems to work so simply. I do not understand why we cannot get into a split tax system and why it raises the problems of administration I have heard about a couple of times when we have asked that question.

Hon. Mr. Conway: Perhaps we should prepare something on that. I have asked some of those questions and it is not as simple as I thought it might be. I will prepare the material.

Some of the difficulty relates to the fact that we have provisions in our assessment legislation that do not deal with contemporary realities. It is not necessarily only a matter of this legislation. As most of you know, some of the legislation has not kept up to date with current trends in society. There are some difficulties with the kinds of home environments you mentioned.

Mr. Chairman: Do I take it you are volunteering to give us something relatively complicated to look at?

Hon. Mr. Conway: No, I am not. I am relatively new in the responsibility. I can tell you only that in discussions about the very model Dr. Allen has raised, it was suggested to me—and to be quite honest, I cannot recall all the particulars—it is not as easy as I thought it might have been. Perhaps I should get the material and tell you we will provide that information.

Mr. Chairman: I will remind members we are having somebody come from Saskatchewan who will be able to talk about this in some detail.

Mr. Allen: Having lived in Saskatchewan, I know how easy it was to pick up our phone and do that. I know the difficulty it caused the administrator, but it sure was easy for the consumer. That is what we ought to be working for.

It was a very divisive issue in the mid-1960s when it was broached in Saskatchewan. It seemed there was a potential for great fragmentation in Saskatchewan society at that time, but the word one gets from Saskatchewan now is there is a remarkable degree of harmony around education issues. I say that just as a note to accompany your comment about the future of our own province with regard to the implementation of secondary funding for the separate school system.

Let me thank you for the brief. It is well pointed and forcefully argued. I like the eloquence about the needs of the public system, and your specific concerns around the elementary panel bring back echoes of some of our estimates debates with past ministers in this very room. I am sure you and your previous president sat in on some of those.

I do not want to repeat other people's questions, but I missed one small item in your recital of issues. Perhaps you meant it to have been covered by reference to the Ontario Teachers' Federation brief, but to make it perfectly clear, do I gather you share the OTF's concern about section 136m, which has to do with dispute resolution? Do I gather that whole section gives you substantial problems? Do you have any further comments for us on that section, which the OTF did address? I just want to be sure you are speaking with the same frame of mind on the subject.

I think the words OTF used were "simply not acceptable," and they refer to other procedures under the Education Relations Commission, Bill

100 formulations and the Ontario Labour Relations Act formulations.

Ms. Hill: Yes. We would agree with OTF. I was present for some of the discussions OTF had when we were looking at the process and I would agree with OTF.

Mr. Allen: May I refine the point that was made around the transfer of French-language schools? It seems to me, if I hear you correctly, the issue is not simply that there may be a majority of French Catholic students in that school and the issue is not just whether or not that majority wishes to transfer to a separate system. I know we have had some representations from l'Association des enseignants franco-ontariens, who have made it quite plain that they would like to see complete exemption from religious education, for example. So there is not necessarily by virtue of the identification of French and Catholic a great and overwhelming desire to be in a religious system.

I understand that. But surely the point that has to be borne in mind is that in an en bloc transfer, one is transferring at least a significant minority of pupils who have made a decision to go to that school on one basis but now find themselves being transferred into another context. This is an arbitrary decision and it is doubly arbitrary because it is a combination not only of Bill 30 in general but the en bloc institutional transfer of the school itself.

4:30 p.m.

Ms. Hill: You are perfectly correct. The other point I would make is we seem to think if we transfer a school, that is the pupils and the school. It is conceivable that a public school board could say, "We know there are French-language students in our public high school, so if those students wish to go to the separate school system they may, but we may want to keep the building."

Mr. Allen: So there are other problems that need to be looked at closely.

Hon. Mr. Conway: I understand that.

Mr. Chairman: Good, I am pleased.

Hon. Mr. Conway: It is an interesting point and it has not been raised with me to any great degree before. I am quite sensitive to what you are saying. We will take a good look at it.

Mr. Epp: I was interested in the minister's comments about the assessment policies not now dealing with current assessment realities. I suppose I should ask him to appear before my committee so he could bring those to my attention.

The thing I want clarified with respect to the matter Mr. Allen raised earlier has to do with when you have a student assigned to the separate school where numbers warrant. A person appeals to have a child go to a board, but it turns down that request because numbers do not warrant. Then he or she finds out later that someone has moved in from out of town wanting to take the same program and the board is forced to take that student.

What appeal mechanism is available to the person coming from the public system who wanted to go to the separate one? He or she was turned down on the basis that numbers did not warrant and he finds out that the person next door who moved in from out of town, belongs to the separate school system and was taken into it. Is there some form of appeal on the rejection?

For instance, if there is a class of 35 people and the person was told he or she could not enter that program in another school system because numbers did not warrant and then suddenly someone moves in and that class is increased to 36, what appeal measure is there?

Hon. Mr. Conway: I am a little confused about your reference to "where numbers warrant." That used to be the proviso that was attached to French-language education. It is no longer in place. What would be an example of what you are describing?

Mr. Epp: Let us assume I had a daughter and she could not get the program in the public system but it was offered in the separate one, so she wanted to go there.

Hon. Mr. Conway: For purposes of program.

Mr. Epp: Yes. However, she was rejected.

Hon. Mr. Conway: Then someone who was a separate school supporter moved into the neighbourhood—

Mr. Epp: Yes, and she was put into that program.

Hon. Mr. Conway: My initial reaction would be, in the case of the person who moved in, he or she is supporting the system that has the program you wanted for your child. Again, in the case of the second system that person, as a ratepayer in support of it, must be provided for.

The question is, why was your public board not able to provide you with the program either directly or through a purchase-of-service arrangement? That is a point on which we need some help from the officials. If the board is not able to provide the program, the normal practice would be some kind of purchase-of-service arrangement.

Mr. Timbrell: Maybe the other board does not want to sell.

Hon. Mr. Conway: Perhaps.

Mr. Epp: If somebody finds his child has been rejected, what recourse would he have to appeal? Is there a mechanism?

Mr. Chairman: Maybe Mr. Green could speak on that.

Mr. Green: In subsection 136o(9) and following, there is an appeal mechanism.

Mr. Epp: Is it through the implementation section?

Mr. Green: Yes, sir.

Hon. Mr. Conway: Yes, that can be appealed to the planning and implementation commission. I am trying to imagine the situation you have cited.

Mr. Timbrell: While Mr. Epp is preparing, I have a couple of concerns. First, I think some people, maybe even some who have been following the proceedings, have the impression this bill would give unfettered access where disability, special program or distance is a factor, but it does not. Those are factors only with respect to the automatic exemption from religious instruction. Some people are labouring under the misinformation that somehow these three factors give automatic access to a Roman Catholic separate school if you are not Catholic, but they do not.

The second thing has to do with the very point Mr. Epp was raising, which is similar to one I raised earlier. It is a point I also raised in the Legislature. I know certain editorial writers do not agree with me, but my point is that the potential is there for a student who requires a particular program and cannot get it in either the separate or the public boards to apply to the other board, to be turned down by reason of space availability, as now sanctioned and enshrined in this bill, and either to be in limbo or to proceed without the required program while it is under appeal or the boards dicker back and forth about whether there will be a purchase-of-service arrangement. That is another dimension to the whole question of access.

Hon. Mr. Conway: I raised that concern with a number of people in the educational community to try to envisage how it could be so. I have yet to meet anyone who can imagine a situation where neither board in the area would provide the required program.

Mr. Timbrell: It is interesting that the very point was raised by the Ontario Teachers'

Federation or the Ontario Secondary School Teachers' Federation—I am not sure which—last week.

To take one dimension of this concern, a pupil could require a program with respect to language or technology or to deal with whatever disability he may have, which might be available in a board. Because of this bill, that board may say, "Sorry, no room in the inn." By the time he appeals it, that student will have gone without that program for a portion of a school year. Given the way so many of these appeal mechanisms work, that could be a very long time, in which case the student is disadvantaged, however the appeal is resolved.

Mr. Chairman: That is at present the situation with Bill 82, so I do not see why it should not occur with this. Ms. Hill, do you have the imagination to fantasize about this problem?

Ms. Hill: Yes, I can fantasize about it. The Ottawa Citizen has run a number of stories about children whose parents are not able to get the appropriate education, or what they believe is the appropriate education, for that child. That is not because we do not have it in the Ottawa area—and I use that area because there are four school boards there—but they are not able to get the precise kind of education they want for their child.

You are opening the door to allowing that same kind of shopping. They have been doing it in special education and now they are going to use the two school systems to do their shopping. Yes, there are going to be appeals, many of them. Yes, it is going to be a problem, an administrative nightmare. The press very often will tell the story of some youngster somewhere who cannot be served. I do not need to tell the ministry people about it because I am sure they hear about it all the time. I believe the whole thing is going to be a problem.

I do not believe the planning and implementation commission is the place to solve that kind of problem. They do not have the background and expertise to judge what kind of education a child should be receiving and whether it is appropriate. I can understand their role in arbitration and that sort of thing but I do not think they should be determining a child's education. I believe that is the minister's responsibility.

Hon. Mr. Conway: It would be quite reasonable to assume that in the course of its responsibilities in these matters the commission might consult with the regional office of the Ministry of Education to have the benefit of its assessment of what the availability of space and

program might be in a given school or community.

4:40 p.m.

You are right in the sense that some of these difficulties will continue. They were there, as you point out, well before Bill 30. People are people and there are going to be these differences of opinion. I do not deny that. I was having a difficult time imagining a situation where neither board provided the program. Whether it be the appropriate program, to use that value-laden phrase, is another matter, but I was trying to imagine Mr. Timbrell's situation where there was a student in complete limbo. I was having difficulty with that.

Mr. Timbrell: With respect, you are perpetuating misinformation on the first point when you explain it that way, because you leave the impression, which some people have taken, that special programs and special requirements give one automatic access. They do not. You are not doing that with this bill.

Hon. Mr. Conway: I am not suggesting we are.

Mr. Timbrell: I am not trying to impute motive. I am just saying that when you explain it that way, it leaves that impression, which some people have taken, and it is not the case.

Hon. Mr. Conway: The other thing is that I have considerable faith in the ability of local boards, both public and separate, to respond to pressures in the community. One area which comes to mind is the French-language programs at the elementary level. We have seen situations where public boards have made arrangements with the separate board for purposes of language education. I have faith in the genius of local boards of education, both public and separate, to respond to community requests for programs, although maybe not right away or all the time.

Mr. Chairman: I have a sense we will be coming back to this matter from time to time in the hearings. I would remind the minister of a conversation we had recently about special education and my concern that two boards we already have dealing with the propriety of the placements there are no more prepared to do that professionally than is this particular commission. I am not sure what the solution is, but we will be coming back to that.

Mr. Davis had a couple of things he would like to raise with you.

Mr. Davis: These are just short, quick questions. On the process of volunteer transfers, one of the questions I would like you to deal with

either now or later is, if more individuals volunteer than there are spaces in a coterminous board, what process would you see as appropriate in respect to deciding who should go and who should remain? Should that remain within the jurisdiction of the sending board or the receiving board?

Ms. Hill: That is such a happy thought. Probably it could be solved quite easily.

Mr. Davis: I would like you to grapple with the question this committee has to face. There are two scenarios being painted. According to one scenario, if there were 15 vacancies on a coterminous board and 12 people volunteer, the president of the Ontario Separate School Trustees' Association said they would take the 12. There would be 12 positions filled and they need three others who had just come from seniority or however they decide.

There is another scenario expounded by the Metropolitan Separate School Board that says if there are 12 positions and 15 people apply, they would then like to interview them and have a selection process. One of the questions I asked both of them is, what happens if you have more volunteers than you have positions? Who decides who transfers across?

If you can answer it now, fine. If not, let me know or come back later and I would be happy.

Ms. Hill: Those people are employees of the public school board and, through consultation with the branch affiliate at that local level, arrangements could be made to solve the problem.

Mr. Davis: You would keep it in the sending board.

Ms. Hill: It is a happy situation to have more volunteers than there are positions in the system.

Mr. Davis: You would have it in the sending board?

Ms. Hill: Yes.

Mr. Davis: My second question is—and again you do not have to answer it today but can do later—about the impact on the collective agreement process when you suggest on page 10 that those persons so designated as surplus to the system because of the impact on funding should remain. If you would comment on that at some point in the next several months, I would appreciate it. I know there is impact and I wonder what the impact would be from your perspective.

Finally—and it can also be done later; I do not want you to try to debate it today—one of the questions I would like you to try to wrestle with for me and present to the committee is what you

perceive as the criteria for such phrases as the viability of the public school system. What, as a teacher, is imperative within the educational programming to maintain it as viable. In the bill the other words used are “in the best interests of the public education.”

I would like you to try to grapple with that for this committee as well.

Ms. Hill: I would be pleased to.

The Vice-Chairman: I do not have anybody else on the speakers' list; so thank you very much.

Ms. Hill: Thank you very much for the opportunity.

ANNUNCIATION PARENT-TEACHERS ASSOCIATION

The Vice-Chairman: We have the Annunciation Parent-Teachers Association. Is Ms. Irene Devlin doing the speaking?

Ms. I. Devlin: Yes.

The Vice-Chairman: Would you introduce the rest of your delegation, please?

Ms. I. Devlin: Yes, I will. The other members of my committee are Mike Henville on my left, Ursula Desmarreau on my right, and Gerald Devlin.

My name is Irene Devlin and I am the president of the Parent-Teachers Association of Annunciation School located at 11 Avonwick Gate in Don Mills, North York. We are one of many similar associations established throughout Ontario with a general mandate to enhance the education of our Catholic children within the separate school system. Membership in our association is open to all parents of children attending our school; officers are elected annually.

One of the most important developments now taking place, which affects all children being educated within the separate school system in Ontario and their parents, is the proposal now before the Ontario Legislature to extend the public funding of separate schools to grades 11, 12 and 13. While our association is more directly involved with elementary grades, most of our member parents also have children attending Catholic high schools who will be immediately affected and, of course, all our members whose children are now in the elementary grades will be affected in their education in the near future. Therefore, our association speaks for our member parents, who are deeply concerned about this issue of extended funding. I am grateful for the

opportunity you have offered me to speak to you today.

Public funding for Catholic education in Ontario has been extended only to grade 10 up to the present time, even though full public support for separate schools has been guaranteed under the Constitution to Catholic parents since Confederation. The Ontario Court of Appeal will be reviewing the validity of the proposed funding and I feel confident their findings will be positive.

The first concern for our association is the stability and support for children that can only come from a complete and a normal educational environment that is not artificially truncated halfway through high school. To cut off public funding after grade 10 makes no sense at all, particularly in areas where up to 50 per cent of the population are Catholic, most of whom are desirous of a full Catholic education for their children to grade 13 and who are full taxpayers within the province.

4:50 p.m.

Although there are some who argue that the special treatment given to Catholics should be afforded to all minority groups, this point of view ignores the historical fact that a substantial separate school system has been in existence and constitutionally supported since Confederation.

This is not, therefore, a philosophical debate on whether we should have a separate school system. The system exists and has existed for more than 115 years as the law of the land. Nor is it a philosophical debate about whether to fund a separate school system. It has been funded publicly since Confederation. It is an issue about the justice and logic of a system created, supported and funded by law being denied that support and public funding for the last years of high school for political reasons.

I do not know of any other school system in Canada that can make that argument. Furthermore, my comments should not be construed as a judgement upon the appeal of minority groups for public funding. That is a separate issue which legislators must address as such. I want to ensure only that these minority aims, however worthy they may be, have no place in the opinion of our association on this issue of the completion of separate school funding.

The second concern I would like to raise on behalf of our association is the inadequacy of the level of funding of grades 9 and 10. Although it has been recognized by the province that to fund these grades is appropriate, the level of funding falls short of that provided to the public schools.

This situation seems neither just nor logical. It has certainly caused a great deal of hardship for Catholic educators through these grades because the funds available could not supply the enriched program offered through the public schools.

You might well ask how the separate school system has survived and thrived under conditions that obviously and unfairly placed them at such a financial disadvantage to the public schools. The answer lies in the commitment of Catholic parents supported by our Catholic educators and our church. This commitment to Catholic education is based upon the fundamental belief that man is a spiritual as well as an intellectual being. To educate the whole man, you must not neglect the spiritual side of his development.

This does not mean to provide just a class or two in religion as such. It means that the whole educational environment must be Christ-centred as the pivotal truth to our existence and that the educational life of the student must be shaped by this fact.

We know there are some who postulate that a Catholic education through the separate school system is divisive and leads to problems of bigotry. This is complete nonsense and shows a lack of comprehension of the aim of Catholic education, which teaches its students the need to love their fellow man and to be good and loyal citizens of their community and their country.

I am a product of a Catholic school and have many Catholic and non-Catholic friends. I have never experienced any resentment, given or taken, on the basis of my Catholic education. Our local neighbourhood in Don Mills is populated by Catholics and non-Catholics. Not only does our community show no evidence of any divisiveness caused by the presence of separate schools, but Annunciation School and the local public school, Ranchdale Public School, have formed a joint community association called Ranchdale-Annunciation Community Association. It is one of the best attended and most successful community associations in Metropolitan Toronto. Our two schools and the parents co-operate beautifully with mutual support and respect.

I strongly urge the committee in its consideration of this issue to respect the essential needs of the Catholic character of the separate school system and to provide for full funding without detracting from the very reason this system operates, which is to give Catholic parents a full and fair opportunity to educate their children within a system that provides an atmosphere we consider so essential.

It is important to point out that Catholic schools must remain Catholic in essence. They must continue to exist primarily for Catholic students who will be taught by Catholic teachers. The Catholicity of our schools is dependent on teachers who have a set of values and principles that are Catholic, whose lifestyles are in harmony with the teaching of the church and who communicate their values and convictions to Catholic students who are receptive to them because their parents have chosen to have them educated in a system that is different from the public school system. In short, parents do not want to see dilution of programs or compromise of principles.

Of course, this is not to say students who wish to enrol in Catholic schools should be denied access to them. Catholic schools should accept such students, provided they have space for them and provided the students are willing to participate in the programs. However, in Metropolitan Toronto most schools are overcrowded and unable to take in all the Catholic students who apply to them. Catholic schools must remain first and foremost institutions of learning for Catholic students.

I believe the Metropolitan Separate School Board expects its enrolment to increase by about 1,000 students, for whom it plans to hire 60 teachers. The board has agreed to fill its positions by hiring 60 public high school teachers who wish to apply to teach in the separate school system. It cannot be expected to hire more public school teachers than the number of positions occurring would indicate, because it is through Catholic teachers that our values are upheld and affirmed.

Declining enrolment of students in the public school system is a fact of life that school boards must face at this time. In general, school enrolments are declining regardless of whether Catholic schools are funded by the government. Unemployment due to a lessening of need for services is an issue many other industries currently face. Large department stores and cigarette manufacturers are two that come to mind. However, the possibility of loss of employment for public school teachers does not weaken the just position of completion of the separate school system. Other alternatives for unemployed teachers should be examined.

The operating costs for completing the separate school system in Metropolitan Toronto this year will be less than \$10 million. This seems to me to be a very modest share of the total taxes that are collected from ratepayers and which up

to the present have gone entirely to support the public school system.

In conclusion, I would like to say I believe both the public and separate schools will continue to coexist. Each has its place in the community; each fulfils a different need. It is only with understanding and a spirit of co-operation that just and workable solutions can be found to the difficulties we face, difficulties that arise in any transition situation.

We appreciate the demonstration of good faith shown by this all-party committee in enabling those who have an interest in the extension of grants to appear before it.

Mr. Davis: I wonder whether Ms. Devlin could tell me what she envisions for the secondary panel of the separate schools that we have said we are going to fund fully. What does that mean to you in respect of programming? In your brief you mentioned "a full Catholic education."

Ms. I. Devlin: Speaking as a parent, my understanding is there will be grants at the same level as the grants given to public secondary schools.

Mr. Davis: In your understanding of how you interpret it, does that mean modern facilities in your high schools such as technical programs, shops and new buildings where they are required? Did you envisage that as part of your perception when it was mentioned there was going to be extension of funding?

5 p.m.

Ms. I. Devlin: I speak mainly as a parent. My experience is as a parent and as a former teacher in Metropolitan Toronto with the separate school board. That is the limit of my experience and understanding.

The separate school board is expecting there would be public school space available. It does not envision building new schools or adding swimming pools or industrial shops.

Mr. Davis: I was asking you as a parent what you expected.

Ms. I. Devlin: I expected what the board was able to provide and I was happy with its explanation that it expects public school facilities to be available for its use.

Mr. Guindon: How many religious courses do you have in your elementary school now?

Ms. I. Devlin: There is one subject in religious education that is taught regularly in the elementary school, just as there are other subjects. It has its place in the timetable.

Mr. Guindon: One per year?

Ms. I. Devlin: Yes, one course.

Mr. Guindon: Is it the same at the secondary level?

Ms. I. Devlin: Yes. There is a program, a course of study, for each year. I would like to emphasize that a Catholic school is more than a school that has an extra class in religious studies; there is an atmosphere that makes a difference.

Mr. Allen: I would like to thank the parents of the Annunciation Parent-Teachers Association for coming to us and presenting their brief. To date, we have only had one or two parent groups come. It is helpful to get as many perspectives as possible. So far, we have had only one group of students and they were a delight. I hope this pattern will keep up and there will be more parent and student groups coming to give us their views on the issue.

I am happy you addressed the question of whether you sense that your school system contributes to divisiveness in the community. That has been an ongoing argument, no matter how long this matter has been discussed. I am very impressed with the arrangements you have made in your neighbourhood between two adjacent schools in terms of the co-operation of the parent groups for the best interests of the students in the community.

In one paragraph on page 2, on the subject of the level of funding for grade 9 and grade 10, you appeared to be concerned that different funding levels might be continuing. As I understand the implementation plan, full funding for grade 9 and grade 10 will be in place as of this September. I was not sure whether that paragraph suggested you were concerned that those grades would still be underfunded after September.

Ms. I. Devlin: I wanted to raise the point that it had been the case.

Mr. Allen: Had been.

Ms. I. Devlin: Yes, to show the difficulties under which Catholic schools have laboured.

Mr. Allen: With regard to the access of non-Catholic students to Catholic schools such as yours, are you concerned that the bill makes provision for access of non-Catholics who wish to come for program purposes or who have need because of location convenience? I do not know whether your school is that sort of school.

Ms. I. Devlin: No, I am not concerned. The school board is willing to have them come if there is space, if they apply in writing and if they are willing to take part in the program.

Mr. Allen: You mentioned in passing that Catholic students were having difficulty gaining access because of space. Have there been Catholics, to your knowledge, turned away from your school?

Ms. I. Devlin: Absolutely. At the secondary school level there is simply not enough room for the numbers who apply.

Mr. Allen: Would they have been accommodated somewhere else within the Metropolitan Separate School Board schools?

Ms. I. Devlin: No, absolutely not. They go to the public schools because there is not enough room for them.

Mr. Allen: So at this time you are aware of given students who wish to be accommodated in a Catholic school in the Metropolitan separate board jurisdiction but who cannot get access because of space?

Ms. I. Devlin: That is my understanding, yes.

Mr. Allen: Thank you very much; I had not been aware of that. I knew there were 16,000 kids in portables in your system, but I did not realize kids were actually being turned away. Are those parents separate school supporters?

Ms. I. Devlin: Yes, they are.

Mr. Allen: Perhaps that is something we should follow up with respect to the access question, because it is obviously very important to the discussion we are having around the issue of whether there is a place for every student in the designated system.

Mr. Chairman: What would you like, Mr. Allen? Would you like us to try to get figures? It may be very difficult for us to get figures on the number of kids who have opted for the other system.

Mr. Allen: Perhaps we could get some confirmation of whether that is a problem. Would the Metropolitan Separate School Board, for example, be able to provide us with evidence that it was unable to accommodate Catholic students who were children of separate school ratepayers?

Mr. Chairman: I think we will look at a number of ways of trying to pursue that. Would you have knowledge, just from your own school, of some numbers we would be able to verify of people who applied at that time and were not able to be accommodated? I would presume most of those figures sort of disappear.

Ms. I. Devlin: In our local area of Don Mills there is a Catholic secondary school very close. That school would take children from the schools

that are closest in the area. The ones who do not get in are the ones who live farther away. Personally, I do not have that knowledge. I would be very happy to undertake to get those figures from the Metropolitan Separate School Board.

Mr. Allen: That is existing private schools, then.

Mr. Timbrell: No, no, it is Senator O'Connor College School. Is that not the way the public system operates, that those within the immediate catchment area get priority and are admitted? As for any part of the area around Senator O'Connor, I do not know of any Catholic being denied access to Senator O'Connor.

Ms. I. Devlin: Yes, if they live around Senator O'Connor; but if there is no room for them, there is no room for them in any other Catholic secondary school and then they are forced to go to the public school.

Mr. Timbrell: I understood you to say that those in the catchment area immediately around Senator O'Connor—coming from Precious Blood, Annunciation, St. Bonaventure and the other schools around—are getting into Senator O'Connor.

Ms. I. Devlin: That is the basis on which they are admitted, but our feeder schools encompass a much greater area than the public school system because we have fewer Catholic secondary schools.

Mr. G. Devlin: I think the point Mrs. Devlin is making is not a complaint about our Catholic students not getting access, it is more to make the point that if public school students want to attend these schools, this whole question of space availability becomes rather irrelevant. We often do not have enough space just to attend to the feeder schools around, which cover a much broader area than the public school system.

Mr. Timbrell: It would be very useful to get those data from the Metropolitan Separate School Board.

Mr. Chairman: We will try to pursue that. Our researcher was suggesting he remembered something from the Metro presentation. Perhaps, Albert, you would like to remind us of it.

Mr. Nigro: The point that was raised when they were here, in response to the question of access, was that there were students who were being enrolled in the separate system at the primary level in grades 7 and 8 because the parents wished them to go to a Catholic high school. This was to enhance their chances for

attending a system which, as I understand it, is having difficulty accommodating all those people who want to attend it. Students were not necessarily being accommodated at their first-choice school. For example, some parents may prefer St. Michael's College School or Brebeuf College School in Metro Toronto and are not being accommodated in those schools. Perhaps they are getting their second choice or perhaps they are not being accommodated at all.

Mr. Timbrell: I certainly recall that, but I do not recall the Metropolitan Separate School Board saying it was turning away Catholics who wanted to attend high school. We should put the question to them, and if so, find out the extent of that problem.

Hon. Mr. Conway: The question that comes to my mind is that the people who are being turned away presumably are people who are seeking access to grades 11, 12 and 13. I presume the children of separate school supporters within the catchment area of the Metropolitan Separate School Board must be provided for in any school that is operated by the MSSB up to at least grade 10. Essentially, we are talking about people being turned away from the traditionally private part of the Catholic system.

Mr. G. Devlin: By and large, that is a correct assessment. I think there is some spill at grades 9 and 10 from a lot of feeder schools. You have a much larger feeder school system flowing into these very few Catholic high schools.

Mr. Chairman: Mr. Nigro, perhaps you could make contact with the board and report back to us on any information it has that would be helpful to us.

Thank you very much for attending. I apologize personally for not having been able to be here because of committee business I had to run out to do. Thank you very much for your presentation.

The next group has agreed, because we have been running so late, to come on at 7:30 this evening instead. I agreed that would be better for us, so some members at least could go back to their offices for a brief time now and do some of the business that I know is piling up there.

May I ask the steering committee to stick around for about four or five minutes? We have a couple of logistical problems in our travels that we have to work out in the next little while. It will only take us a couple of minutes.

The committee recessed at 5:12 p.m.

CONTENTS

Tuesday, July 30, 1985

| | |
|---|-------|
| Education Amendment Act, Bill 30, Mr. Conway, recessed | S-457 |
| Recess | S-488 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
 Davis, W. C. (Scarborough Centre PC)
 Epp, H. A. (Waterloo North L)
 Guindon, L. B. (Cornwall PC)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Reycraft, D. R. (Middlesex L)
 Timbrell, D. R. (Don Mills PC)
 Ward, C. C. (Wentworth North L)

From the Ministry of Education:

Green, D., Assistant Deputy Minister, Education Programs Division
 Kirkwood, W. T., Education Officer, Legislation Branch
 Luka, S. I., Private Citizen
 Gammage, J., Private Citizen

From the Ontario Public School Teachers' Federation:

Hill, M., President

From the Annunciation Parent-Teachers Association:

Devlin, G., Consultant
 Devlin, I., President



No. S-18

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Tuesday, July 30, 1985
Evening Sitting

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)

Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

Davis, W. C. (Scarborough Centre PC)

Epp, H. A. (Waterloo North L)

Guindon, L. B. (Cornwall PC)

Jackson, C. (Burlington South PC)

Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

Substitution: Ward, C. C. (Wentworth North L) for Mr. Smith

Clerk: Mellor, L.

Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, July 30, 1985

The committee resumed at 7:35 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the meeting to order. We now have all parties represented so we can proceed. I give notice to the members that in future I shall call meetings to order when a majority of members is here, even if all parties are not represented. This will be especially so in cases such as this, when our guests have held themselves over. We do not wish to hold them up unnecessarily.

We are not holding votes, so this is not a matter where people have to be concerned about a few minutes here or there. As long as I have your permission to move away from our normal approach of making sure each party is represented, I would appreciate it.

We have before us members of the New Democratic Party to Preserve Public Education. You were here this afternoon watching the way things go, so you know how things operate. Perhaps you would like to make your presentation in any way you wish. Please introduce yourselves so others know who you are and then proceed.

NEW DEMOCRATS TO PRESERVE PUBLIC EDUCATION

Ms. Meaghan: I will introduce our delegation. On my extreme left is Phil Jones. To my immediate left is Gord Doctorow. I am Diane Meaghan, and to my right is Esther Bissoon. We are the delegation from New Democrats to Preserve Public Education. Since time is of the essence, we will start with our recommendations.

The New Democrats to Preserve Public Education make the following recommendations to the Legislative Assembly of Ontario:

1. That the government of Ontario immediately cease the planning and implementation of any public funding to grades 11, 12 and 13 in the separate school system.

2. That the government of Ontario immediately withdraw the legislation, Bill 30, that is now before the Legislature proposing such funding.

3. That the government of Ontario declare all secondary level education above grade 8 private education, unless it is within the public school system.

4. That the partial funding currently provided to Roman Catholic separate schools for grades 9 and 10 be progressively phased out so that within three years government grants will have completely ceased to those two grades.

5. That the public school system from kindergarten through to and including grade 13 becomes a truly secular system of education by removing prayers and religious exercises from the laws and regulations currently in force.

6. That in no circumstances should government grants be allocated to any private schools whatsoever at the elementary or secondary school levels.

7. That government grants to the public school system be immediately increased, with phased-in increases over the next three years, to achieve the restoration of the proportion of government funding to elementary and secondary schools which existed in Ontario in 1975, i.e., 60 per cent. Such levels of increase would enable the education component levied on property taxpayers to be considerably reduced.

8. That the government organize a referendum throughout Ontario at the time of the November 1985 municipal elections, which would solicit voters' opinions on the proposed extension of public funding to Roman Catholic separate secondary schools.

9. That the government establish a royal commission to examine the philosophy and administration of secondary school education in Ontario with the view of formulating a plan for the next 20 years.

Mr. Doctorow now will deal with the section entitled The Process of Democracy.

Mr. Doctorow: Regretfully, we are disappointed with the process and practice of democracy in the evolution of the extension of public funding to separate secondary schools. It began with former Premier Davis's most surprising speech of June 12, 1984, in which he reversed his previous, long-held policy on the extension of funding beyond the grade 10 level. We do not know the reasons for this amazing volte-face but, needless to say, his speech produced astonish-

ment and, in some circles, cynicism. From what we do know, the cabinet, the then Minister of Education and the Conservative caucus had little to say about the final decision.

The three parties were unanimous on the issue, but the Conservatives did nothing to bring in the promised bill. During the election, none of the parliamentary parties sought a mandate from the electorate on the proposed secondary school funding legislation. The Conservatives had not revealed its contents. No party included the issue in its election platform or made it a central issue of debate. In so far as the parties dealt with the issue, they did so in response to dissident candidates and the pressures of public audiences.

The precise details, plans of action and future ramifications of the plans were never revealed to the public. As in 1971, the electorate showed no discernible support for the extension of funding and, as reported in the April 1985 Toronto Star survey, 52 per cent were opposed. For those people who doubt the nature of this opposed sentiment, they need only recall the post-election statements made by several defeated Tory cabinet ministers, including the ex-Premier, Mr. Miller, who attributed his government's political decline to public dissatisfaction with the handling of this issue. In what appears to us a cynical move, the Tories responded by delaying the proposed bill, even though it had gone through nine drafts over a 12-month period.

It remained for the Liberals in government, supported by the New Democratic Party, to pick up where the Tories left off. The Liberal government now has embarked on a legislative forced march to push through the extension of funding to Roman Catholic secondary schools. For its part, the Liberal government, responding to public discontent, decided to initiate a court referral on the validity of the proposed legislation. At the same time, however, the government is resorting to an undemocratic method of achieving its goals by the use of an order in council to extend the funding in the absence of enabling legislation.

The Liberal government has now produced Bill 30 and at the moment all members of the Legislature, with one exception, are locked into voting for it because of party discipline. By contrast, when Bill 127 was before the Legislature, both opposition parties of the time, the Liberals and New Democrats, opposed the former Conservative government's attempt to hold hearings during the summer. The former opposition parties presented as a rationale the fact that the summer was an inappropriate time

for education matters to be raised, in view of the conflict with school holidays. In stunning contrast, Bill 30, in which implications for education are far more fundamental and far-reaching, is being discussed during the summer, not from the point of view of fundamental principle but only with respect to minor changes to the bill.

The lack of time for real debate on the issue has now been exacerbated by the July 4 statement of the Minister of Education (Mr. Conway), who announced legislation was not required to commence the funding of grade 11 for September 1985. He said large sums of money will be granted for separate secondary schools by cabinet decree, yet legislation will not be in place for the transfer of an estimated \$64.2 million to administer the high school program for grades 9, 10 and 11.

In addition, \$6.9 million to be allocated for busing, \$3 million for use in 115 portable classrooms and for leases on space to accommodate new students, as well as an estimated \$67 million for renovations, will also be granted. All this additional money and public funds will be transferred to separate secondary schools without proper legislation and purely by cabinet decree. It makes a mockery of due process and devalues the democratic procedures of parliamentary government.

To allow the public to have real democratic input and choice on the issue of separate secondary school funding, we recommend that a referendum be presented to the people of Ontario at the time of the November 1985 municipal elections. Such a referendum should be suitably and properly worded to reflect the wishes of the population and then placed on the municipal ballot. It would be incumbent upon the government not to proceed with the third reading of Bill 30 until the results of the referendum have been tabulated and assessed; and subsequently, if Bill 30 fails to obtain majority support, funding should be withdrawn.

Ms. Meaghan: Our point of view was aptly summed up by the late David Lewis, a leading architect of the New Democratic Party, in his book, *A Socialist Takes Stock*. He said that the principal aim of democratic socialism is "a classless or egalitarian society...Socialists have proclaimed as their goal a society from which exploitation will be eliminated; where every person will have an equal opportunity to share in a rich and varied life and to develop his or her talents, whatever they may be, to the full." This attitude of equality of opportunity and classless-

ness permeates our thinking about the public school system.

Socialists around the world have consistently favoured a secular, publicly funded and publicly owned educational system for all youth, while rejecting systems of education based upon private wealth, racial or gender privilege, and also upon religious division, sect or denomination.

There are historic reasons for our ideological commitment to secular public education, based on socialism's struggle for fundamental progressive change. The member parties of the Socialist International have ideologically been in strong agreement on the need to develop educational systems that unite the people, rather than to promote systems of education that divide.

This flows from the conviction that the road to achieving a society based on co-operative commonwealth is through the development of social unity. To foster this unity among citizens it is necessary to remove the barrier of religious sectarianism, especially in the intellectually formative stages of youth. Socialists believe there is nothing more pernicious to the progress of society than separating youth on the basis of religion or any other criteria.

A case in point is the saga of the Pervin family in Windsor. The parents sent their daughter, Summer, to the local Roman Catholic elementary school for a French-language-based program. According to the report in the *Globe and Mail* of June 7, 1985, at the tender age of seven Summer came home from school and told her parents that only baptized children find their way into heaven. Summer is the unbaptized child of a Jewish father and a Catholic mother.

Both parents were extremely upset when, at age eight, Summer reported that she was told at school that Jews killed Christ. Not only is it repulsive, in the wake of the Holocaust, to have such ideas presented in a publicly funded educational system to a child of Jewish heritage, it is equally heinous that it should be standard fare for the young and impressionable minds of the Catholic children attending the school. There are no accountability mechanisms that would allow the taxpayers of this province to know how widespread the dissemination of these ideas is within separate schools.

In Europe there has been a historic struggle between sectarian and secular systems of education, with the Socialist parties supporting secular schools and the Christian Democratic parties supporting religious and private education. Socialists support a secular public school system of

education because our history and ideology involve radical, progressive change. Denominational and private systems invariably are inimical to such change. Expanding the separate school system is not only an administrative and educational change, it is also a highly political act which socialists view with a degree of alarm.

7:50 p.m.

As socialists, we are in solidarity with the struggles of workers to organize for a better life. We support the efforts of teachers to improve conditions of work and the educational system itself. In 1984, when the separate school teachers in Sudbury were on strike to improve, among other things, pupil-teacher ratios in the schools, parish priests mobilized strikebreaking activities by calling on parishioners to keep the schools open.

Evidently, religious fealty confronted the teachers' professionalism and the majority of teachers chose to struggle for progressive change. The church, on the other hand, became the immovable object of the status quo. We support the strike efforts of the Roman Catholic teachers and we go further by reaffirming the democratic and socialist principle of separation of church and state to advance social progress.

One of the cornerstones of the socialist movement is the principal notion that all people—women and men, young and elderly, workers and employers—have equal rights as citizens. Feminism stresses that women, 52 per cent of the population in Ontario, must have equality under the law and in socioeconomic spheres of life. We believe in the need to redress the historic wrongs that have been committed against women.

Further, we consider many of the principles espoused by the separate school system to be contradictory to the advancement of women in society. To make equality a reality, it is necessary to legislate affirmative action programs. Left to the vicissitudes of the marketplace or the whims of the old-boy network, such as this committee, women will remain in an inferior position as a source of cheap and compliant labour. This applies particularly to the school system where role models are formed.

We concur with the sentiments expressed by the Royal Commission on the Status of Women, 1970, that stated: "Equal opportunity for education is fundamental. Education opens the door to almost every life door. Wherever...women and men...are denied equal access to education they cannot be said to have achieved equality."

The rigid and sexist hierarchical structure of the Roman Catholic Church undermines the movement towards gender equality. For example, in the doctrines of the Roman Catholic Church, women are considered to be ineligible for such authoritative positions as priests, bishops or Pope. This view has the imprimatur of the Pope himself, as confirmed by a speech he made on his recent trip to Canada.

Affirmative action means that women are hired, trained, promoted and rewarded on an equal basis with men in all job categories and, further, are actively promoted to positions that have been historically inaccessible to them. More specifically, we can point to the example last winter of the Lakehead Separate School Board which voted down the principle of affirmative action within the board.

While it is true that in the public school system we are a long way from equality between men and women, it must be said that the public school system is qualitatively more subject to pressure from society for reform. We can point to the example of the North York and Toronto boards of education which have voluntarily adopted affirmative action programs.

Sexist socialization distorts and limits human relationships. It does not define a person's position in both the public and private spheres of society on the basis of individual merit, intellect, capability and interest, but rather on the basis of rigidly assigned gender roles.

There is a growing recognition in civilized society that marriage ought to be an equal partnership and in harmony with the changing laws and social sentiments and this is finding its way into the curriculum of the public school system. In contrast, Roman Catholic doctrines prevent its adherents from absorbing such progressive influences and lives by the dictum that, in marriage, the man is the head of the household and the woman is the heart. These ideas pervade the curriculum of the Roman Catholic school system and are counterposed to socialist principles.

It is a primary tenet of socialism and feminism that women should have the right to control their bodies and have reproductive choice. A woman's right to use contraceptive techniques and seek an abortion must be upheld if she is to be seen as a fully autonomous person in society. Roman Catholic teachings dictate that the only legitimate role of sexual activity is for the fundamental purpose of procreation within marriage. Their educational system, by necessity, inculcates a

narrow view that fails to prepare women and men for the realities of modern life.

We recognize the deeply-held convictions of those who regard abortion as wrong on moral grounds. However, we reject the idea that such groups have the right to impose their views on society in the context of education, dogmatically asserting their exclusive view. A case in point is the busing of Catholic school children, under the aegis of the school authorities, in an organized demonstration to the Toronto Morgentaler clinic with the deliberate purpose of closing the clinic. Government funding of such schools constitutes a bias against women's rights at public expense.

Ms. Bissoon: The next section is Legal History in Ontario. Over the last 25 years, Ontario has changed dramatically. Through immigration, the population, especially in the larger urban centres, has become culturally and religiously far more diverse than before. We have become a very cosmopolitan province. To attempt to fit this cultural mosaic into two religious forms, either Roman Catholic or Protestant, is absurd since it leaves large numbers of the population totally out of such an understanding.

In addition to those people whose ancestors have never been in those two camps, there are very large numbers of citizens whose ancestral ties are with the Roman Catholics or Protestants but who today have to be considered as nonpractising. We live in an increasingly secular society and institutions and laws of the land must reflect this change if such laws and institutions are not to be regarded as archaic. Therefore, to justify the public funding of Roman Catholic separate secondary schools almost entirely by historical argument strikes us as regressive and as a completely unsound method of reasoning.

Can it honestly be said that survival of Confederation today hinges on extending the privileges of the Roman Catholic community? Why should the government of Ontario try to put a massive change in its educational system into the confines of a society which pertained 120 years ago? If the government wishes to make major alterations to the administration of secondary schooling, it would be wiser to look at the present and plan for the future rather than obsessively looking into the distant past when Ontario was an entirely different society.

Before major changes are made in the system of secondary education, we would request that the government establish a royal commission to review and examine the administration of secondary level education in the province and to

plan the system for the next 20 years. This royal commission would be forward-looking and should produce answers that would be in tune with our contemporary society and our vision of the future.

The government believes it has the legal capacity to enhance the position of separate schools in Ontario beyond that enjoyed at the time of Confederation, and to go even further by assuming there is a constitutional and moral requirement to do so. This ground was gone over in the greatest detail almost 60 years ago at the highest legal levels in Canada and should now be reiterated to remind the government of the limits of its constitutional requirements.

Section 93 of the British North America Act received a full review in the famous test case, *Roman Catholic Separate School Trustees for Tiny Township versus the King*, 1927. This case was appealed from the Supreme Court of Ontario to the Supreme Court of Canada and, finally, to the judicial committee of the Privy Council. The decision of the judicial committee of the Privy Council determined there was no legal obligation under the Constitution to provide public funding for separate secondary schools.

Therefore, it must be stressed there is no constitutional obligation, moral or legal, to provide funds for separate schools after grade 8 in this province. The Ontario government might assist separate secondary schools by proper legislation but there is no constitutional or moral reason why it should do so. Therefore, it is clear that public funds directed to grades 9 to 13, inclusive, are strictly the result of a decision of the Legislative Assembly of Ontario without the establishment of a constitutional or moral obligation to provide such assistance. Bill 30 breaks and dishonours "those contracts and obligations that were struck to create a united Canada in 1867." That was said by W. G. Davis on June 12, 1984.

As Viscount Haldane noted in the 1928 Tiny township case, the implied and understood obligation with respect to secondary education, as opposed to elementary education, was "to mould the educational system in the interests of the public at large, as distinguished from any section of it, however important." The three political parties represented in the Legislature appear to be responding to a political claim of the moment and in so doing are turning their backs on the obligations, understandings and agreements which date from Confederation and, indeed, pre-Confederation.

The next section is headed, Separation of Church and State. Socialists, among many other groups, believe in the democratic doctrine of separation of church and state. The involvement of religion, particularly a single religion, in the affairs of the state leads to acrimony from groups that do not share or accept the tenets or views of that religion. Religious freedom is best maintained by a clear separation of church and state, as the Americans perceived very early on in the history of the United States.

8 p.m.

State support for a single church discriminates against all other churches, religions and those who do not practise a religion. According to the 1981 census conducted by Statistics Canada, there are 34 different religious categories in Ontario society. The fourth largest of these, some 620,000, is the group described as "no religious preference." Such state support institutionalizes the state in religious matters and vice versa, with all the dangers incurred by such involvement. It is our view that the state should be secular and religion should be left to the conscience of the individual.

With this principle in mind, it is quite clear that the last vestiges of the Protestant religion must be removed from the public school system. Regulations requiring prayers and other religious exercises in the public system must be removed to enable the system to become truly secular and completely nondenominational. The public school system must become an institution where children of every religion and the nonreligious find themselves completely at ease and in no way feel outsiders. This can be achieved only if the public school system is rendered completely secular.

Mr. Jones: This section is headed, Liberty, Equality and Fraternity. The principle of religious liberty and freedom from religious discrimination is highly valued in our pluralistic society. We refer to the words of Dr. Bette Stephenson, then Minister of Education, October 11, 1983, when she commented: "I think it is important and necessary to reaffirm the general merit and the value of a universally accessible, publicly supported school system, a system which I believe contributes to consensus and is a countervailing force against social fragmentation.

"In a pluralistic society such as ours, which can be characterized as multicultural, multiracial and multilingual, a shared educational experience is important in fostering a common culture. Unity through shared experiences can be a

countervailing force to factors which split and fragment society. Indeed, the school system may well be the only common, noncommercial learning and socializing experience for our young people."

The public funding of separate secondary schools clearly infringes upon the principle of freedom from religious discrimination if the state favours one religion and then discriminates against all others. The Canadian Charter of Rights and Freedoms in 1982 and the Ontario Human Rights Code of 1981 protect all citizens from discrimination based upon creed. The public support of one religion and not others clearly violates both of these acts.

The public school system is based upon equality, as it is a statutory requirement that the public school system serve all citizens equally. Every child has to be educated by the public system. However, this does not apply equally to the separate school system, which can select those it wishes to educate on its own terms and reject those it does not find it convenient to educate. This selectivity by the separate schools demonstrates the inequality inherent in the system. If public funds are to be provided for separate secondary schools, the public has the right to demand that such selectivity must end and that the separate school system will have to educate everyone who wishes to attend the system and to hire staff on a nondiscriminating basis.

In his speech of June 12, 1984, then-Premier William Davis stated, "...we have a contemporary responsibility to be sure our answer on this question strengthens rather than fragments the social fabric of this province." How the extension of public funding to Roman Catholic separate secondary schools in today's increasingly pluralistic and secular society could strengthen rather than weaken the social fabric, the former Premier was unable to say. He could not address this responsibility because the answer is clearly that religious division fragments and weakens the social cohesion of all citizens in the province. The cost today of unifying our multicultural, multiracial and multireligious society is a single, nonsectarian public educational system open to all and serving the needs of all, regardless of class, race, creed or gender.

As to the cost, at this time the provincial government is attempting to reduce its rapidly increasing deficit and to maintain its triple-A credit rating with the New York bond market. The accounting for capital and recurrent costs of the introduction of public funding to separate

secondary schools has been remarkably vague. Even more vague has been the government's method of raising the necessary finances for the extension of funding.

As there are now enormous pressures to dramatically reduce the provincial deficit, and in view of the provincial cutbacks in education from 60 per cent to 48.7 per cent since 1975, the proposal to extend funding can hardly have come at a less opportune time. To incur enormous new costs at such a time, purely to duplicate and not to improve the educational system, is surely financially irresponsible.

If the deficit is to be significantly reduced, the government must take the funds from other social programs unless there are to be massive tax increases. Most likely the funds will be found in a large shift of money out of the public school system. It is also expected that less money would be provided for special education, that there would be a further decline in the proportion of funds provided to the public system and further reductions in funds for other social services, including health, welfare and care for the elderly.

In terms of its cost alone, to produce a wasteful, duplicate and unnecessary system of secondary education in this province is highly irresponsible and will be seen to be so by the electorate. Preserve public education.

Ms. Meaghan: We will now move on to the oral portion of our brief. I would like to ask a question which could be responded to by any committee member.

As a psychologist who has worked for decades in the public educational system, I can tell you that children are not born with prejudices. They acquire them from the adults who model for them. How will this plan of entrenching and extending barriers between people allow children to grow and develop into nondiscriminating people?

Mr. Chairman: Perhaps you could advise me how you want to proceed. I presumed you would present your brief and we would allow questions and answers. Do you want an answer to that question and then continue with the brief?

Ms. Meaghan: We all have questions we would like to pose to the committee.

Mr. Chairman: It is normally not a question-and-answer situation. Let the members ask a few questions of you. Then, if we have some time, we will move to questions from you.

Mr. Davis: I was going to attempt to answer the question. Since 1871, there has been a separate school entity in the public educational

system. As far as I am aware, at no time from 1871 to the present did anybody in our society suggest that educational system, in some mechanism, brought about some kind of intolerance. It is interesting that when we move to the secondary level, this argument becomes a profound argument.

If you as a psychologist and various other people propound this argument, I would answer you by saying, if such an entity had been discovered we would have heard about it before now. Public funding of the separate school in the elementary panel has not developed into the kind of consequences you suggest and I do not believe it will do so in the funding of separate schools in the secondary panel.

Young people deserve a lot more credit than we are prepared to give them. Two nights ago, when we asked a group of students who were here from Pope John Paul II Secondary School a question about accessibility and the right of a non-Catholic student to opt out of religious education, they said that would enrich their system. They have far more perceptiveness about relationships than some adults do.

Ms. Meaghan: Can we respond to this?

Mr. Chairman: This is not—

Ms. Meaghan: It is not a debate.

Mr. Chairman: As I understand it, as chairman of the committee, this is not a debate. I will order the business of this meeting. You had your chance for debate, as I recall, at our last council meeting.

Ms. Meaghan: That was not a debate either. It was a discussion.

Mr. Chairman: I thought it was. I also recall the vote was 95 per cent on the other side, but that is another matter. Do members of the committee have questions? If we have time, we will move on to questions from the delegates.

Mr. Timbrell: I have a couple of questions. I am sorry to see this family spat.

Mr. Chairman: Do not be afraid. We do all our fighting in the open.

8:10 p.m.

Mr. Timbrell: I am looking at the summary page of recommendations, particularly at recommendation 6. You say that under no circumstances should government grants be allocated to any private schools whatsoever at the elementary or secondary school levels. I raised this with a couple of other groups who have appeared before us. I am told that, through property tax exemptions and the granting of income tax receipts for

the religious education portion of private school programs, as much as 25 per cent of the cost of private schools is now being borne by the taxpayers, by their own calculation. Do I take it your position would be that all those property tax exemptions and income tax concessions should be abolished for those schools?

Mr. Doctorow: That was not what we had in mind when we were dealing with the brief. We had not pondered that problem. If you want my answer, I am totally opposed to it. I see it as sneaking through the back door. I particularly disagree with the position on the independent schools where—I forget the man's name, the head of the so-called independent schools—was allowed to have religious funding reimbursed for his daughters who had attended these fundamentalist Christian schools. This was upheld by the Court of Appeal, which I see as the thin edge of the wedge of the destruction of public education system. I am certainly opposed to that.

Mr. Timbrell: This came up earlier today. We had an excellent submission from Ms. Luka on the impact of this initiative with respect to women. I asked her, and I would like to ask you, whether you feel, assuming this does proceed, that we should include in the legislation a requirement that the recipients of these funds, namely, the 53 separate school boards, should be mandated to have affirmative action programs as a condition of funding.

Ms. Meaghan: I certainly feel they will need to be mandated. You will have to have legislated affirmative action to offset the effects of Roman Catholicism in the doctrines and what they teach, both in the church and in the curriculum.

Mr. Timbrell: Earlier today we were speaking in terms of opportunities, additional responsibilities, grade and subject chairmen, vice-principals and so forth.

Ms. Meaghan: Representation by population would be a good idea. My comments would also apply to the public school system. We should have legislated affirmative action.

Mr. Timbrell: We accept that too.

Ms. Meaghan: Yes, right across the system, public and private spheres.

Mr. Timbrell: We hope one of the papers picked up what was discussed this morning. You will see what we discussed there and my views.

Ms. Bissoon: I would like to refer to a quote from the Globe and Mail of July 29 by Mr. Conway who has gone on record as saying that all other religions, other than the Roman Catholic religion, can be accommodated within the public

school system. If the public school system can do this, if it can accommodate all these 34 other religious groups which Statistics Canada tells us we have in Ontario, why can it not also accommodate Roman Catholicism?

I know from my own personal experience many Roman Catholic children are already in the public system. I imagine they are doing just as well as children from other religious groups. Why do we find it necessary to continue to set up a completely separate system when the public school system, according to Mr. Conway, can accommodate 33 other religions? Can it not also accommodate the 34th?

Mr. Chairman: It is too bad Mr. Conway is not here.

Mr. D. S. Cooke: It is unfortunate the representatives before us are of my political party. I do not intend to sit here with any delegation and get into a question-and-answer period. We have not done this with any other group and I do not intend to do it with this group either.

Mr. Allen: If I could add to that: when I attempted to respond to similar questions from other groups I was accused of sermonizing and lecturing. I may even have indulged that past professional obligation of mine in this forum; I was not listening to myself that carefully.

If you will excuse myself and Mr. Cooke, we have had opportunities to engage in discussion and debate with our party colleagues in other forums. We did that recently at the mid-June council meeting. We are perhaps the only party in the midst of this debate that has had a formal forum to discuss this issue.

We were very thorough in that setting in our discussion of the issue and the results were reported in the press quite clearly with 95 per cent of our delegates from our riding associations endorsing the existing policy of this party. It does not behoove us to engage in a discussion that is properly an intraparty debate in the setting of a public meeting of this legislative committee. Whatever else you rule, we will excuse ourselves from further participation in the discussion on this question.

Mr. Chairman: I am not going to obligate anybody to answer questions from witnesses. I would not think of doing that.

Mr. Davis: I was assuming the traditional kind of discussion on the historical perspective of this. You disappoint me.

Mr. Chairman: Well Mr. Davis, you can fill in; you have heard it several times.

There is no desire on my part to require any member to respond to any question. If the group had wanted that in its deposition to us, it would have been a way of listing concerns, but we are not here for question and answer. However, if any members wish to answer questions, I am allowing time because this group very kindly allowed itself to be put over from this afternoon. I will countenance a bit more time being given to them even though there are no questions from the members.

Mr. Epp: I am disappointed we are not going to have the benefit of Dr. Allen's sermonizing.

Mr. Chairman: You may regret having said that.

Mr. Epp: We all know he can speak as long as he wishes, but we are leaving at nine o'clock.

Seriously though, it is unfortunate the minister is not here to respond to that question if he wished to. I do not think it is up to us to respond to his statement and to the question that was more directed to him than to this committee.

Mr. Chairman: This is essentially a forum for you to make your views known. You can do that through questions, and they may turn out to be rhetorical questions if nobody chooses to answer. I will leave that up to you. Mr. Doctorow, do you have another point you would like to make or a question you would like to ask?

Mr. Doctorow: Yes. It is the kind of question I would have preferred to have had an opportunity to debate inside the party if I had sufficient opportunity to elaborate on it, but I will elaborate on it here because it is relevant to the public and the people of Ontario.

In particular, I want to deal with what I think is one of the most important arguments, and that is the constitutional one. Why is it asserted the constitutional obligation of 1867 is an immutable, binding agreement that cannot be changed in light of recent facts?

I note the native people of this country have had the Constitution bent against their favour, from their point of view, with respect to the rights of women on the reserves, for example. This is a very recent ruling. It seems when the constitutional obligation is applied to native people it is quite different than when it is applied to the Catholic church. I wonder why this can go on in one sphere of life but not in another. Do we think the deal of Confederation will fall apart if Catholics do not get the extension of funding to their separate school system? Will they leave?

That is what 1867 was about. Only recently the government of Quebec moved to secularize its

public education system, and quite properly so because it was a religious education system that excluded as voters people who were Jewish or of faiths other than Protestant-Catholic and it did not correspond to the needs of the current system. One of the key partners in Confederation is moving away from it. Why is it Ontario rigidly adheres to the 19th century as Quebec moves to the 21st? I would like to have a satisfactory explanation of that.

8:20 p.m.

Mr. Chairman: I cannot guarantee you that, but I can get you Mr. Timbrell's response.

Mr. Timbrell: First, the Quebec statute was struck down by the high court in Quebec. Second, I can only speak for my party—I do not know if anybody wants to speak for yours—but we are under no illusions about the constitutional question. We know there is no constitutional obligation to fund the secondary school system. That is clear. Parliament has the right to extend the funding, which parliament has chosen to do in principle.

What we are now doing is examining the legislation that extends that right to determine, as a committee and ultimately as a parliament again, what the conditions should be to ensure that the extension of that right will be fair and equitable to all concerned.

I do not find it the least bit offensive for these people to pose questions to us. Others have posed questions to us and we have engaged in dialogue. As far as I am concerned, ask away.

Mr. Chairman: I will not be ruling otherwise and I am in the chair.

Mr. Jones: I would like to ask a general question on the cost side. You are the standing committee on social development. Exactly where do you hope to raise the finances to carry out this plan over the next three or five years? What budgetary plans do you have to raise the necessary funds?

We realize the actual dollar figures are fairly unclear at the moment, as our presentation suggested, but we would like to know. Since you represent a very wide range of social development activities, exactly where do you hope to get this money without increasing the public deficit?

Mr. Chairman: That is a difficult one for committee members to respond to. The budgetary decisions will be made by the government or by the Treasurer (Mr. Nixon). Even if the minister was here, I do not think he would be in a position to respond to that in a satisfactory way. I have often said I am always surprised when

money that was not available all of a sudden becomes available, and for what things it becomes available. I would not be surprised if there is money available for this extension.

A number of people within the committee, as well as without, have talked about the fact that if money is going to be spent on the extension, then it must also be spent on maintaining or increasing the standards in the public education system. In terms of what the proposals are for the budget, none of us would have the capacity to answer that at the moment.

Mr. Jones: Do you think it might impact on other social programs for which you are responsible in this committee?

Mr. Chairman: If it does, speaking personally as critic for the Ministry of Community and Social Services, there will be all hell to pay in the House. I cannot speak for the other members. I have no idea what the plans are for the government. They order the finances, not us.

Mr. Timbrell: The chairman is quite right. We will not know until the fall when the new Treasurer brings down a budget who is going to win, although one hears stories about a growing debate within the new government between the fiscal conservatives led by the Treasurer and the spenders.

Probably around 63 or 64 per cent of the provincial budget to this point is in the social services area, leaving more than one third of the budget in the hard services area. If the government chose, it could look there first rather than endangering commitments to the health system, the social service system, the education system, post-secondary education and so on.

Mr. Chairman: I have a question you might be able to help me with. The whole question has come up a number of times, whether people had a choice in the election, whether this was on the agenda, whether those of us who happened to agree with the extension were ducking the issue, etc. I think three of you ran as candidates in the last election, so you raised the issue in your own ridings. In those areas there was a choice, it seems to me.

Given that people there had a choice, what was the response in those areas? Was there a marked difference between the traditional NDP vote you received in those areas and the results of people like myself? Although I was very vocally up front about my position and had to deal with it a lot, I increased my majority in a major way. None of you is represented here, but did your votes go up? Have you been able to decide where the votes

came from and that kind of thing? This has been raised by a number of groups.

Ms. Meaghan: I was running in a true-blue Tory belt, York Centre, and I increased the vote by 40 per cent. As you say, it is difficult to know how much of that came from my trade union background, people just seeing the new truth, beauty and light and the way to the future and how much was the separate school issue.

I tend to think there was some organization around the funding, because we had several all-candidates' meetings in which it came up and one in which this was the only issue. It was a concern in my riding. It was also a concern when I went to doors as a candidate and talked to people.

I live in a riding that has the fastest-growing separate school system in North America. We also have a crisis in education in my area, where thousands of children are being bused out of that community—and you do not want to hear my whole political platform, I know—because the government has cut back funding in education and refuses to provide schools. There is a whole educational crisis in my area. It is tied up in a major way with other issues there.

Mr. Doctorow: I had the opportunity to run against the formidable Bette Stephenson. I was able to increase our previous votes by 80 per cent, almost doubled it, and it was the highest historic vote we have achieved in York Mills.

In the debates that took place, I was very forceful on the separate school issue. I saw something I never thought I would. Conservatives and Liberals stood up and applauded me when I attacked Miss Stephenson on her position after quoting her on the separate school question. The subsequent day, I got a number of phone calls from people who identified themselves as Tories, asking to join my campaign. One person took out his blue sign and put in an orange one; that sort of thing went on.

I have records, but I think that in itself is not as significant as evidence as what we did in addition. We sent out a brochure, of which I happen to have copies—I always have copies because the issue will not go away. There is a part in the back which is self-addressed, stamped and so forth, which asks two questions, one about separate schools and one about private school funding. This was mailed to every household in York Mills, which is a fairly affluent riding. Its characteristics are to be highly educated, generally upper income, fairly aware of education issues.

On the basis of the returns, which numbered around 500, we had 86 per cent opposed to the extension of funding to separate schools and an equal percentage opposed to the extension to private schools. This was in an area where I would imagine private schools figure larger in people's thinking. I must say my feeling is that, given the opportunity, many residents in a lot of areas would probably return, perhaps not equally high but certainly they would show a high degree of resistance to the idea of extension of funding to separate schools.

May I add just one other thing? We allowed room for commentary, and it was very interesting to read some of the comments. They did not say, "Catholics go back" or whatever. They said we need one public school system, one system for all. We are a multicultural society—you know, the whole kind of thing we have been saying here. I think that is generally what our society thinks. We are a fairly mature society with respect to these ideas and we have gone through a lot of problems as a society.

I grew up as a Jewish kid in a public education system which was very Christian then, and I saw a lot of changes as I grew up. I am now a teacher in the system and, particularly in Scarborough where there are kids of all different races, colours and so forth, I have seen changes and the tolerance that has grown up in this society. Not that there are not problems, that would be ridiculous to assert. However, a tremendous leap has occurred since I was a kid and felt an alien.

I think we have made remarkable progress and that would be reflected in this kind of issue. Therefore, I do not think the opposition would be based on bigotry so much as on the idea that we have to keep going in this direction.

8:30 p.m.

Mr. Jones: I do not have much to add. I identified myself quite clearly in the campaign as against separate school funding. I did not include it in my literature, so people were not faced with a very clear-cut opinion; but the vast majority of phone calling and feedback from canvassers who went door to door was on this particular subject and there was great concern.

Most of it was very much as Mr. Doctorow has identified it. It was basically not so much a backlash, a redneck or bigoted Protestant backlash, but more a concern that we were going in the wrong direction; that this was the wrong way to go and the wrong alternative; there were other, better alternatives.

It was a crisis of a lost alternative rather than a bigoted response. It was a major issue.

Mr. Chairman: Thank you very much. I have no questions from other members, and unless you would like to make a final comment, I would like to move on to the next delegation.

Mr. Doctorow: I would like to make a short comment about something I have experienced that is very disturbing to me.

As a teacher I am in solidarity with my colleagues, whether they be Catholic or public school teachers. In my own district, district 16, a couple of young junior teachers in that system tried to get a resolution passed calling on Catholic teachers in our system to quit so jobs would be open and they would not lose their jobs.

I wanted to tell you about this because I cannot tell you how much this hurts me. I had a talk with these guys, because I think this fosters the worst feelings, the most reprehensible feelings in our society. I hate to see my own colleagues regard Catholics in their midst as aliens. This is so abhorrent to me, based on my own personal history as a Jewish person, that I must tell you I think one of the biggest underlying problems of this legislation is that it will spark invidious actions and ideas. That has to be seriously taken into account.

Mr. Chairman: Personally and on behalf of the committee may I say we appreciate the time you have taken to come, and in putting yourselves over to this sitting as well. Perhaps we also will get representatives from the other parties who do not agree with their parties, but I appreciate—

Mr. Jackson: We have one in the House.

Mr. Chairman: Yes. The Tories have one here on a regular basis. Thank you very much for appearing and taking the time.

The number we have given to the brief from the Canadian Protestant League is 84. We will give you a minute or two for the shift to take place. It always takes a bit of a time to shift groups.

CANADIAN PROTESTANT LEAGUE

Mr. Chairman: Welcome to the committee. The way we operate, essentially, now that you have had a chance to sit through one group, is to have you introduce yourselves to the committee, then take us through the brief in any way you would like, make any comments you wish and then we will open it up for discussion back and forth.

Mr. Shepherd: I am Reverend Joe Shepherd, one of these retired preachers who is going around and around after retirement. I

am the dominion secretary to the Canadian Protestant League.

The man on my right is Dr. M. P. Estabrooks from London, the vice-president of the league. We divide our vice-presidents up by regions and he is my boss for Ontario and Quebec. You hear him when he gets bossy.

This is Ernie Wood, a good friend of the league, from Mississauga.

The Canadian Protestant League came into being in 1941 out of its concern for the waning emphasis and anxiety for renewal and revival of reformed doctrines, principles and practice; also to actively oppose any attempt to negate these great historic themes. In no way do we claim to represent officially or to speak for any one church or group of churches.

The league is made up of individuals from every province and territory, as well as every known Protestant denomination. It is not large, having a few more than 5,000 families from all across Canada. Half of these are made up of residents in Ontario and on their behalf we wish to express our gratitude for the opportunity of adding one more protesting voice to those of all political stripes who are extremely unhappy over the proposals embodied in Bill 30 for full funding up to and including grade 13 in the Roman Catholic separate secondary school system.

We also speak, we believe, for others who are not members of the Canadian Protestant League who have asked us to try to do something to overcome the collusion of the three political parties in proceeding with the passage of Bill 30.

Some people tell us there is a general acceptance of the proposals now before the Legislature. I suggest such optimistic people must be deliberately turning down their hearing aids.

Make no mistake about it, that is not the case. We travel across Canada and through Ontario as much or more than any of you and are constantly in touch with many people all across Ontario. This, with our volume of mail, informs us there is a host of people throughout Ontario who believe they are being doublecrossed by all three of the political parties they supported last May.

There is no threat of any form of violence from these citizens, but they are angry people who could in no fashion mark their ballots to show their disapproval of full funding, other than by seeking an independent candidate.

I was one of those solicited and encouraged to be such a candidate, but opted to support one I believed was the superior candidate on the slate. He was a little better looking than I was, perhaps

was a little wiser and he was my choice. He knew full well my feelings on the matter before you. He played ball with me by telling me he supported full funding. The only thing I do not like about Mr. Jackson is he does not have the nice hair I have.

That army of protest is increasing. Surely, there was agreement between the three parties—we know that—and all kept silent about this issue during the campaign. However, by spoiled ballots, absentees and declined votes, the electorate did punish the party whose leader announced his flip-flop to full funding.

These same people will likewise punish at some future date the administration ignoring the voices increasingly being raised in opposition to Bill 30. Some of us still remember the Hepburn days.

Our philosophy is that of public school supporters: a system that was the dream of Egerton Ryerson of nonsectarian schools open to Protestants, Roman Catholics, Hebrews, non-Judaic-Christians, agnostics and atheists—all the children of Ontario. Reluctantly, Ryerson gave consent to Roman Catholic separate schools believing they would soon disappear. Two of his letters tell us that. He missed the boat on that one.

We are jealous of our public schools and are exceedingly afraid that Bill 30 does constitute a serious injury to our public school system. We are anxious to remove some of the grease from the skids of the Bill 30 chariot rolling downhill at a mighty excessive speed.

There can be no doubt there will be a considerable exodus from the public schools over the next three years. When we raise this matter, some of Job's comforters tell us, "Then your public school will cost less, much less." That gives me no comfort. Experience has shown the reverse to be the case.

In the schools of Metropolitan Toronto during 11 years from 1974 to 1984, the enrolment of students in public schools decreased at an average rate of 2.3 per cent per year, while during the same period taxes for education increased at an average rate of 4.7 per cent per annum. The projected figures for 1985 compared to 1984 suggest a further student decrease of 2.4 per cent, but an increased tax of 8.4 per cent.

We can see no lessening of the burden to the public school treasury with the exodus expected to the separate schools, while the cost of the separate school system will also tremendously increase, reluctantly being shared by us as public school supporters.

During debate, one speech in support of Bill 30 asked the House to keep in mind that it "...assure the viability and integrity of programs in public secondary schools which have been buffeted by declining enrolments and now by a transfer of students to the separate secondary school system." Even one of the supporters of Bill 30 expressed the same concern as ours.

8:40 p.m.

Up to this moment, I have heard absolutely no credible assurance that our Ontario public schools will not be harmed. I do not hear any professional opinion from senior educators, devoid of political partisanship, assuring the public that the passing of Bill 30 as it now reads will prove to be a decision on reasoned, balanced grounds.

We have heard nothing that gives us to understand there will be unlimited accessibility for pupils or teachers to transfer from the public school to the separate school. As it now stands the public school is obliged to take any student whose parents wishes the child to transfer to the public school system.

Other private, Christian or Roman Catholic separate schools may reject or suspend any undesirable pupil. The public school does not have this selective luxury. Is there a possibility then of us making a blackboard jungle out of some of our public schools by having to accept everybody else's rejectees? This possibility does not cheer me at all.

We also believe the concern of the public school employees who fear the loss of employment to be well founded.

Twenty years ago as pastor of a church in London, Ontario, we were promptly informed when hiring a janitor for our church that we had no right to even ask him about his religious affiliation. This is a violation of some sanctum or some such thing.

I am angry about this. Some people applying for appointments to separate schools are immediately asked the question I said I could not ask of somebody we were employing as a custodian of our church building. They are asked: "Are you a Catholic? What is your church affiliation? Would you be agreeable to this, that or the other assurance?" or some such question. Surely there are grounds for challenge to that. Is it not the practice of discriminating against a person on the basis of religion or creed?

Unlimited accessibility? A representative from the Ontario Separate School Trustees' Association, which was before this committee, agreed that the proposed legislation required the

publicly financed Catholic high school to accept non-Catholic students where space is available. "Give us the space," he told you, "and we will accept the students." It sounds a little like Mr. Churchill but with different words, believe me.

In an interview immediately succeeding that presentation, the same person insisted outside the door that separate schools should be allowed to refuse non-Catholic students if space is not available, though lack of space should not stop the school from accepting more Catholic students. Unlimited accessibility—what does that mean? Space or not, the public school is obliged to find a desk somewhere, even if it is out in the hallway, for any addition.

There is, then, a great difference between the two boards' definitions of unlimited accessibility. Whatever the result of the issue before the House, you ought to spend a lot more time on that one.

One suggestion made in the debate was to the effect that educators in Saskatchewan and Alberta might be interviewed to determine how they have dealt with this issue. The answer, ladies and gentlemen, is that they have not solved anything as far as this issue is concerned.

It might be well to stop at the western Saskatchewan border before you go further west. A full page advertisement in the Calgary Herald decries the weakening of the Alberta public school system with the increasing Roman Catholic and other private schools, which are apt to create long-term social problems in the province.

These objectors to further funding for private and other nonpublic schools were not extremist cranks, hatemongers or bigots. They represented the public school boards from Calgary, Edmonton, Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer, as well as the Protestant separate school board from St. Albert.

They were concerned that further funding would have three unhappy effects:

One, the fact that religious and ethnic schools segregate children. Religion and race have traditionally divided people. The public school provides a meeting place where children of all races and religions, in their most formative years, get to know each other, learn together, work together, play together and live together.

Public funding should always encourage integrated schooling which should bridge religious and ethnic differences rather than magnify them. Should Bill 30 prevail, children from grade 1 to university entrance would be segregated on the basis of religion—and in some cases race. Perhaps

the next demand will be for the full support of a separate university to prolong segregation. If segregation in South Africa is wrong on the basis of colour, in Ontario it is wrong on the basis of religion.

The second objection: Elitist and separate parochial, confessional schools encourage class distinction.

Societies in some parts of the world are divided on the basis of class or caste. One of the happy features of Canada's way of life is that by and large, the children's success is not dependent on special advantages of birth or the school attended. Bill 30 could produce that sort of a caste system in Ontario based on religion. I am sure none of us desire that.

I came to Ontario as a boy of 15, in 1929. I am more of a Canadian than you men who were born here. If you were born here, they had to take you. They had a choice with me; I came from outside. They chose to let me in. They chose that I should become a citizen. I chose to be one. That is the best thing I ever did; I hope they think it is the best thing they did. But I was away from the sort of caste system that made it impossible for me to proceed into high school in the land I came from—and I have a lot of nice things to say about it. But in Canada I found a situation where I could work my way through school all the way up. I am the happiest person in the world over the fact that I can call myself a Canadian.

I suggest that precipitate action, in pushing through Bill 30, could leave the public school system with economically disadvantaged and problem children, as in other places.

The third objection is that segregation would weaken the public school system. I think this is true.

Over time, a strong system of separate and other private schools would weaken the entire structure of the public school system. As private schools multiply, they will deflect time and resources from the public schools, in the rural areas in particular. Obviously then, you will have to look elsewhere than the prairie provinces to support the proposed philosophy of full funding.

We are reminded constantly that the Roman Catholic separate schools are entrenched in the Constitution. This is not so, beyond the limit of elementary schools in Upper Canada. No mention was ever made of high schools, or the higher grades in high school, so this part of the demand is not supported constitutionally.

Another argument from separate school devotees when we complain about further extension of funding for Roman Catholic separate second-

ary schools as it is now proposed is, "But we pay taxes as well as you." I suppose this means that separate school supporters are entitled to receive government support for the religious training of their own children. Government support was not asked for to help me with the religious training of my kids in Sunday school.

The simple answer to this is that taxes are paid, not to finance education for our own children or grandchildren but as a community obligation. We benefit as a community from proper schooling for everybody's children. Thus, education taxes are paid by all citizens, even those who have no children. Some of them complain but the majority are happy about it.

Our Ontario public school system is an excellent model for advancing many important social goals of the community. It is the best in the world. It has served us well over the years. There is no doubt that it can be improved and we must direct our efforts to that end. Standards may and must be raised with much more parental input.

We favour greater choice of and healthy competition between programs in public schools, provided they do not segregate children on the basis of race, religion or riches. Public schools already provide for bilingual and enriched academic programs, gifted children, those with learning difficulties and others. These schools must not be allowed to deteriorate due to neglect. I am afraid this will occur if our provincial government further deflects resources to benefit other nonpublic schools.

The Ontario Legislature ought to say here and now, "Stop the funding." I wish I could yell that loud enough.

Is it easier in the short run, ladies and gentlemen, to avoid making difficult decisions and create more problems for future generations? Perhaps our church-related schools soon will become so numerous it will become politically impossible to reverse the trend.

8:50 p.m.

Now is the time to act. We should phase out all government funding to schools that segregate children on the basis of race, religion or financial status, schools that are *élite* in nature. We should direct our efforts and money towards improving the public schools of Ontario. Parents should continue to have the right to send their children to separate or private schools at their own expense. But society would be better served—best served—by having all its children going—and growing—together to a common school system, not by segregating them.

We have made observations about which we feel quite strongly and we have three proposals to suggest for your consideration.

1. We plead with our legislators that they labour towards the function of one public school available to all up to the university entrance level. We long for one public, undivided army of children and young people training together, thinking together, learning together, sharing together, caring together, empathizing together, growing together, living together, citizens of this part of Canada, the pick of all the nations.

Examine also this possibility for there is a tremendous issue pertaining to religious education. Examine please the possibility of having in such a one-school system, allotted time that is not a part of the public school curriculum, at the end of a school day, when churches may send representatives to use the facilities of the school building. Children may be encouraged to attend, on a voluntary basis, religious instruction and moral guidance under their priest, nun, lay brother, sister, minister, pastor, deacon, deaconess or other appointees of their own churches.

This was a happy experience in many schools in New York state a few years ago. The Presbyterian churches in the Albany, New York, area employed two full-time deaconesses, both trained school teachers, for religious instruction in the state's schools at the end of the school day. It was the same with the other churches. All this was on a voluntary basis as far as the children were concerned.

This makes sense to me. It is simplistic for us but we think it is a workable program where moral values from different perspectives may be inculcated with no one compelled to imbibe any presentation other than that of the parents' wishes. Surely this makes sense.

2. We declare again that no taxpayer in Ontario should be compelled to pay for the propagation of a religion he does not himself believe in. The present system imposes this on many of us and it is extended with the passing of Bill 30. We question its propriety under our present Constitution and Charter of Rights and Freedoms. Therefore, we plead that you think of some of us who feel our freedom of conscience is being denied. There are some principles, doctrines and practices of another church that are repulsive to me. I find them repugnant and yet I am supporting their propagation by the separate school system and doing so even more as it is extended. I object to that. I want you to think of me when you discuss this part of it.

3. We believe the carrying out of Bill 30's objectives ought to be deferred pending decisions—I am sure you heard this time and time again—to be rendered in challenges before the courts. We plead for a moratorium on full funding for at least five years or until we are satisfied with the decisions following the hearings now being legally pursued and proposed.

We sincerely believe these proposals merit comprehensive and sincere examination on the part of your committee.

Mr. Chairman: Thank you, Mr. Shepherd. Do your colleagues have anything to add before we move to questions? Thank you very much for a lively presentation we all enjoyed. We will think of you a number of times because of the forcefulness of your presentation. Are there any questions from committee members? Mr. Jackson, is there anything you left unsaid during the election that you would like to say now? Would any other members like to take a shot at it?

Mr. Jackson: The Rev. Shepherd's passion for the children of our community and our province is well known to me. Again, I appreciate his taking the time to come to these hearings. He is not in-and-out, as it were. He has taken the time to listen to the varying opinions, both from the past election and from this hearing. He is also aware there are areas of the bill that we are carefully examining, especially the area of accessibility. His comments touched many of us with respect to the questions we are asking ourselves as we proceed through these hearings.

Mr. Chairman: As a question of straight information, could you tell me a little about the Canadian Protestant League, what churches are involved, and how it works?

Mr. Shepherd: There are no churches involved as such. It is simply individuals from practically all the Protestant churches I know. We also have some Roman Catholic people on our list who receive our literature on a regular basis. Why, I do not know, but that is a fact.

Mr. Chairman: It was established in 1941?

Mr. Shepherd: Its basic aims and objectives are to re-emphasize the principles, doctrines and practices that brought about the Protestant Reformation. We feel that even in churches that call themselves Protestant these principles are being de-emphasized. Folks from some congregations whose pastors seem to be guilty of this very declining emphasis are the most enthusiastic members of the league.

We endeavour to re-emphasize on every opportunity we can the basic principles that

brought about the separation of the churches. Ancient history may tell us we should never revive them, but those doctrines are of eternal value. The practices and the freedoms that came about even through the Roman Catholic Church as a result of the Protestant Reformation are things we feel we must guard.

I know of one priest in northern Saskatchewan who went into a home where they have a Sunday evening bible study and prayer meeting of 15 people. I was asked to preach to them when I was out there on my trip to the west. The priest came to the door, rang the bell and walked in, and then gave the lady to understand that she was conducting religious services without authority.

He wanted to know on whose authority they had such services. When she did give him an answer, it rather startled him. He said, "I demand that you cease and desist, that you quit right now or else suffer whatever the consequences are." If there is one little village in all of Canada where that is countenanced, we have need for the Canadian Protestant League.

I am trying to answer your question.

Mr. Chairman: I understand part of it. I gather Mr. Estabrooks is the vice-president of the nationwide organization.

Mr. Shepherd: Yes.

Mr. Chairman: What size is it?

Mr. Shepherd: About 5,000 families, or a little more. Half of those, more than 2,500 of them, are in Ontario. We make no claim to be a powerful group at all.

Mr. Chairman: But very articulate.

Mr. Allen: Mr. Shepherd, I appreciate your brief and the twin emphases in it. As a Protestant, I am connected with the tradition from which you speak and try to represent it as faithfully as I can myself. Second, you speak from the point of view of the overarching concern all of us have to maintain and enhance the public school system in Ontario.

I have two small questions that are fairly important in your own brief. On page 7, where you are speaking about the arrangements you had in another place in the presentation of religious education, you referred to no one being compelled to imbibe any presentation other than that of the parents' wishes.

There are a lot of discussions about who determines who is compelled to embrace what form of education. The United Nations Declaration of Human Rights accords that privilege to parents in their choice of education. None of us is particularly attracted to a model of education that

is an anarchic individual choice proposition. We all find some problems with that, even though we like that central principle.

9 p.m.

None the less, does it ever give you any problem in your own thinking about this issue that the parents of almost half a million children in Ontario believe the kind of education their children should have is one that is encompassed in a single value system that should pervade the whole of the upbringing of a child so he or she is formed and nurtured in an appropriate fashion? I just wonder if in some sense, in your own reflections on this, you try to make some concessions for them.

I know the problem from the point of view of looking at it as the propagation of a single church and a single creed, but at the same time there is a very big question of parental choice there. There is a philosophy of education that is integrated and whole which seems from the surface of it to be reasonably respectable. Can you give us the benefit of your reflections on the problem that presents, at least it does to me, as a concerned person?

Mr. Shepherd: I share your concern, which seems to go beyond the fact of a Roman Catholic school instruction. I share your concern about an army of kids who are receiving no moral value, religious, spiritual instruction of any sort. This bothers me tremendously, but I still do not feel it is the business of the public school system to do it. I do not think any parent's rights, as far as religious instruction would be concerned, would be hindered in a properly operated, single public school system. I threw in one suggestion and there is a possibility of that being carried out.

I have an army of friends who think the same as I do doctrinally. I find myself perfectly at home with the private school devotees, the Christian school devotees. I disagree with their philosophy; I am strictly a public school man. But these folk are carrying on their schools at a tremendous sacrifice. If I were a member of one of these public school boards, I would be pounding the door down on this place when I realize I would be supporting my own Christian school all the way through, I would be supporting, via taxes, the public school system all the way through, and now I am being asked to support a third, so-called public school system all the way through. To me, that is outrageous.

I do not think that concern of ours would be helped or hindered when we think in terms of one school system, but it is not easy. The experiment they conducted in New York state is well worth

examining and that could be of tremendous help. It is not in the curriculum, it is the responsibility of the individual churches and it is a parental thing. That makes sense.

Mr. Allen: I guess you touched on the second question in your answer, and that was the matter of finance. I wonder if you could explain to me how it is that your money goes to support the Catholic system, or the separate system of education—

Mr. Shepherd: Oh, come off it.

Mr. Allen: No—bearing in mind, first, that individual property taxes are divided between the two by choice; and second, that the overwhelming proportion of commercial-industrial assessment pays no attention to religious division and all goes to the public sector. Catholics are somehow in the generation of that. That does not seem to discriminate. Third, the provincial expenditures are designated on a per pupil basis on the grants that are allotted and therefore that must bear some sort of relationship to the designation of school choice.

Where does your dollar end up, and how does your dollar end up in the Catholic system?

Mr. Shepherd: Every time I buy a cup of coffee they take five cents for the provincial Treasury. Every time I fill up with gas, you get a nice little chunk of that. Every time I buy anything, some of it goes into the whole kitty of the Treasury, out of which, by grants and what not, you are contributing it to what really is the propagation of another religion, which upsets me. You ask how much it is. I do not suppose it is very much if you think of it in dollars and cents, but to me the principle is just as evil as if I were paying \$1,000, which I know I am not. Any time I buy anything in Ontario, I am contributing to the separate school system.

Mr. Allen: Surely, by the same token, 31 per cent of the population who are Catholics are paying the same taxes and it all—

Mr. Shepherd: That sounds like Cherington when Mr. Sweeney and I were on television.

Mr. Allen: Oh, have you been on Cherington recently?

Mr. Shepherd: I am telling you, as I tried to tell Mr. Sweeney—you can tell him yourself if you like and tell him it is true—I do not know whether he taught mathematics in high school, but if he could show me, by explaining all these crazy figures you fellows have to wrestle with all the time, that I am contributing less to the separate school than he is contributing to the public school, I would like him to figure it out for

me. In no way can we say it is evenly balanced so that every Roman Catholic dollar goes into this school and every public school supporter contributes to that school. You cannot do it. I am paying a lot more than that to support the separate school system.

Mr. Chairman: That is a great challenge for us. We will get Mr. Sweeney to come up with these figures for us, even if he is the Minister of Community and Social Services.

One last thing, Mr. Shepherd. You alluded to this experiment in New York. Do I take it from the way you have worded your comments that the experiment has ended, that it no longer continues?

Mr. Shepherd: I think the Supreme Court in the United States shot it down.

Mr. Chairman: I see. I wondered about that.

Mr. Shepherd: Happily, we do not have the same constitutional demand. I plead with you to give some consideration to that because, whenever I talk to any of the separate school enthusiasts, the objection is largely, "We want our children to be taught our sense of moral values." I would argue for their right to do that. If they told me there was a green man who ate green cheese on the moon as a part of their religion, I would argue for their right to preach that. Not at my expense, though.

It seems to me we might answer the objection of a lot of people, even our Christian school

friends and other folk who send their children to more elite types of schools, our separate school devotee supporters, that we want our children to be taught moral values. We might also satisfy our separate school supporters, for we know they are perfectly honest with us in this respect, more so than we public school supporters. We want to teach religious education. I would argue for their right to do that, but it seems to me that for one school with this provision of voluntary visitation and child participation we might be able to answer that objection. It is an attempt and I would like to see it tried.

Mr. Chairman: It has also been raised by one or two other groups that have come before us, but I just wondered if that experiment was around for us to be able to look at.

Mr. Shepherd: It makes me very happy to realize that I am not a lone voice. I thought I was.

Mr. Chairman: I have heard echoes of what you are saying before in these hearings and I am sure I will hear them again, but thank you all very much for coming.

Dr. Estabrooks: You can understand why I appreciate this man, because even though he has less hair, you have to admit that he is a very successful man—he has already come out on top.

Mr. Shepherd: Raise my salary.

The committee adjourned at 9:10 p.m.

CONTENTS**Tuesday, July 30, 1985**

| | |
|--|--------------|
| Education Amendment Act, Bill 30, Mr. Conway, adjourned | S-493 |
| Adjournment | S-509 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Jackson, C. (Burlington South PC)
Johnston, R. F., Chairman (Scarborough West NDP)
Timbrell, D. R. (Don Mills PC)

From New Democrats to Preserve Public Education:

Bissoon, E., Executive Member
Doctorow, G., Co-Chairperson
Jones, P., Executive Member
Meaghan, D., Co-Chairperson

From the Canadian Protestant League:

Estabrooks, Dr. E. M., Vice-President
Shepherd, J., President



Ontario

Government
Publications

No. S-19

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament

Wednesday, July 31, 1985

Morning Sitting

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC



Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)
Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)
Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Epp, H. A. (Waterloo North L)
Guindon, L. B. (Cornwall PC)
Jackson, C. (Burlington South PC)
Offer, S. (Mississauga North L)
Reycraft, D. R. (Middlesex L)
Smith, D. W. (Lambton L)
Timbrell, D. R. (Don Mills PC)
Substitution: Ward, C. C. (Wentworth North L) for Mr. Smith
Clerk: Mellor, L.
Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, July 31, 1985

The committee met at 10 a.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: We have received from the Ontario Association of Alternative and Independent Schools the information it said it would provide us about its submission to the Shapiro commission. Copies of that will be given out to members this morning.

The minister, who intended to come this morning, has apologized for not being here. His attendance was requested at cabinet. Something has come up and he needed to be there. As Mr. Epp says, although it seems a strange set of priorities to choose cabinet over here, that is understandable. He wanted me to pass on his regrets that he could not be here for your presentation.

Members will have the presentation that is to be given to us this morning from the Federation of Women Teachers' Associations of Ontario on their desks. We have before us those who will make the presentation. I will ask Mrs. Parker to introduce the others to the committee and lead us through in any way she likes.

As you know, if you have been sitting here watching us for the last few days, we will then go to questions and comments from the members. Please proceed.

FEDERATION OF WOMEN TEACHERS' ASSOCIATIONS OF ONTARIO

Mrs. Parker: I would like to introduce, on my right, Dr. Florence Henderson, our executive director; and on my left our first vice-president, Jean Milovanovic. Beside Jean is our second vice-president, Carol Dewey. The four of us will be making the presentation and accepting responsibility for various sections of the brief.

The Federation of Women Teachers' Associations of Ontario represents approximately 31,000 women who teach in the public elementary schools of Ontario. We intend to speak to concerns related to our members and to the students we teach.

Our presentation will encompass several areas, including social consequences of the action

of the extension of funding, an opinion on the process that is being followed, public funding for private schools, the impact of the extension of funding on elementary schools, the differential impact on women, employment protection issues, access to separate secondary schools, the powers of the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario, the effects on program and the funding of public education.

An air of unreality engulfs these hearings. We are here to participate in a full and unfettered discussion of a fait accompli. Dozens, perhaps hundreds, of concerned citizens will in all good faith appear before this committee, many of them to denounce Bill 30, the Education Amendment Act, 1985. Learned judges will solemnly consider its constitutional validity. In the meantime and regardless of these processes, the government of Ontario will proceed to implement funding of separate secondary schools in September. The absurdity of the situation cannot be overstated.

We are here, therefore, with no real hope of influencing the legislation substantially, no real hope of preventing or even delaying what we consider to be a major, tragic error in political judgement. We are here to record our profound misgivings.

In spite of our feeling of futility, in spite of the repetitiousness of the presentations to this committee, we believe every organization, every person in disagreement with Bill 30, must be heard. What is coming from the public is a roar of dissent, a dissent that has no representation in the Ontario Legislature.

The voice of opposition is not the voice of bigotry but the true expression of a liberal, multicultural society. We speak on this issue in an agony of apprehension, hoping to be able to express very clearly our fundamental objections to this legislation on principle, but recognizing the difficulty of making clear the difference between principle and self-interest, between conscience and bigotry.

Those of us who oppose extension of public support for separate schools do so because our view of society, our view of how harmony is produced in society, requires the existence of a strong, adequately funded public school system

attended by the children of all our citizens, new and old Canadians of all linguistic and religious backgrounds.

We do not believe it is in "the best interest of public education," as the bill puts it, to separate young people on the basis of religion throughout their entire school career. We are not suggesting the abolition of the right which has existed since well before Confederation to a separate school education at the elementary level. We are saying the extension of that right makes no sense in the Ontario society of 1985.

10:10 a.m.

It is argued that extension of separate school funding to the end of secondary school is the logical completion of the system and the promise made in 1867. The argument says that only elementary education was guaranteed at Confederation because elementary education was all that most people received. To abide by the spirit of 1867, the argument goes, requires the recognition that in 1985 secondary education is the norm and should be funded for separate as well as public schools.

We, too, argue for social context, but we reach a different conclusion. Our argument is that the social context of 1867 which produced the agreement to fund Roman Catholic schools in Ontario and Protestant schools in Quebec is one we should not attempt to replicate. In our view, the religious divisions, the denominational rivalry, indeed the hatred that characterized parts of Ontario throughout much of the 19th century and for far too long into this century were in part both cause and result of separate schooling.

We should not, in support of extension of Roman Catholic education, invoke the spirit of an age in which only a member of the Orange Lodge could be the mayor of Toronto. We should not invoke the spirit of an age in which cities, towns and villages were divided into Catholic and Protestant neighbourhoods. We should not invoke the spirit of an age when who one was, where one worked and what one could become was defined by religion.

Our society had begun to struggle out of the mire of religious intolerance. We have a new society, a healthier, less divided society, a society not foreseen by the Fathers of Confederation. If publicly funded Catholic schools did not exist, the sort of society we now have would be most unlikely to establish them. It seems to us to be undesirable to add to a system that the current society would probably choose not to have at all.

We share many of the concerns raised by other organizations and individuals appearing before

this committee. We will address those concerns, but particularly we will discuss the impact on elementary schools and on women and also the question of educational finance in relation to the cost of the extension of separate school funding.

Social consequences: it is difficult to warn of resurgent religious bigotry without appearing to foment it, but it seems to us to be essential to note a new element in the debate about education in Ontario. It is many years since the question of the religion of a student or a teacher was an issue in the public schools.

Now we hear from many sources, but particularly from the north, expressions of resentment, not just about the loss of jobs but also about the potential disappearance of the public secondary school in communities not large enough to support more than one school, about the possibility of long bus trips to the closest public secondary school, about opposition to the sharing of facilities and about anger at the transfer of property.

Roman Catholic teachers in some public schools find themselves for the first time in their careers on the defensive about their religion and under pressure to transfer to the separate school system in order to leave a position for a non-Catholic colleague.

Aside from the principles involved, there is a practical reason for so much resentment at the extension of separate school funding. If extension had taken place in 1971 when the Liberals and New Democrats supported it and the Conservatives opposed it, the fear of job loss would have been minimal. The secondary schools were expanding, new facilities were still being built and jobs were plentiful. Neither people nor property would have been as difficult a problem as both are today.

The fact now is that several thousand fewer teachers will be required in the public secondary schools by 1990 as a result of ordinary declining enrolment. The movement to the separate schools is further disruption of a system in flux. The fact today is that new school buildings and equipment will not be provided as they were in the 1960s and 1970s, so that transfer of buildings and sharing of facilities will now be required where goodwill may sometimes be absent.

The most serious social consequence, therefore, may be that the very success of the Roman Catholic lobby for completion of the separate school system may revive the enmities of a day gone by.

Political scientist Reg Whitaker of York University, in a *Globe and Mail* article in April,

put it this way: "Ontario is...infusing religious divisions deeper into the system.

"By doing so, Ontario is not merely setting itself against the spirit of the Constitution; it is raising up demons that it would be prudent to let be. Men and women of liberal sentiments should not be mesmerized by the spectre of religious 'bigotry' into accepting this foolish decision."

Process: no more important social force exists in this province than the publicly supported schools. No other institution touches almost every life. No more important decision about the schools will be made in our generation than the one now under discussion. That it is under discussion is an improvement over the situation of a year ago, but we find the whole process baffling and unsatisfactory.

Much has already been said and written about the former Premier's unprecedented act of announcing major social policy without discussion, perhaps even in cabinet. We share the amazed disapproval which greeted this action. Twelve months followed during which no legislation appeared; no legislative debate took place. An election was fought, and it appears to us that the three parties would have been happy to bury the issue, although the citizenry insisted on talking about it.

In a recent public opinion survey conducted for the Federation of Women Teachers' Associations of Ontario and several other organizations, 85 per cent of the respondents agreed the election was affected by the fact that people were upset about funding the last two grades of the Catholic high schools; 56.3 per cent thought it was a major reason for the defeat of the Conservatives, while 28.5 per cent thought it was a minor reason.

A new government, formed by a party scathingly scornful of the Conservative inclination to government by fiat, is prepared to extend separate school funding by fiat. It is true that proposed legislation now exists on the subject, that a committee is conducting public hearings on the details, if not on the principle, of the bill and that the constitutionality of the question has been referred to the courts. It is also true, however, that extended separate school funding will proceed by September 1 with or without legislation, with or without a decision by the court. Government by fiat.

The Minister of Education (Mr. Conway) explains that extended funding must begin in September because school boards, students and parents have made their plans in the belief that funding would proceed. This statement underlines the fact that the real decision was made by

former Premier William Davis and announced in June 1984 as though with the force of law.

If there is to be no serious contemplation of the principle or even a delay in implementation, everything that has happened since Mr. Davis's statement, including the legislation and the referral to the courts, must be regarded as window dressing. The decision is government by prime ministerial decree. We deplore the bungling of this issue, which has created uneasiness, fear of job loss, frustration with the political process and perhaps unnecessary anxiety. Most of all, we deplore the absence of public debate during the provincial election. Now, in mid-summer, the Ontario public has its only chance to be heard, too late to have any substantial influence.

The Minister of Education has explained what he regards as the need to proceed with separate school funding in the most extraordinary double-speak. He says the government has an obligation to ensure full discussion without any arbitrary deadline, but it also has the need to proceed with the extension of full funding immediately. He also invents an interesting new form of government for the province. He says Mr. Davis's June 1984 statement of intent to extend separate school funding has the power of a decision taken.

10:20 a.m.

The argument for proceeding seems to be that a relatively small number of students—6,300—are planning to attend separate secondary schools in September and some teachers have been transferred from public to separate secondary schools. In our view, although it would be somewhat inconvenient, it would be by no means impossible or even very difficult for those students and teachers to change their plans. The alternative is much more difficult.

If funding proceeds and hundreds of teachers and thousands of students move into the separate secondary schools and Bill 30 is found to be unconstitutional, then the government is faced with stark alternatives. They can undo the transfers, which will be infinitely more numerous and complicated than they are now, or invoke section 33 of the Charter of Rights and Freedoms. That section reads:

"Parliament or the Legislature of a province may expressly declare in an act of Parliament or of the Legislature, as the case may be, that the act or provisions thereof, shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this charter."

Therefore, we recommend that the government delay implementation of extended separate

school funding until the constitutionality of the proposed legislation has been determined. If the government insists on proceeding with Bill 30, we recommend that a free vote in the Legislature be held on the Education Amendment Act, 1985.

I will call on Jean Milovanovic to discuss the public funding for private schools.

Mrs. Milovanovic: We recognize this is not the committee that is going to make any decisions about that, but the policies and practices of the Federation of Women Teachers' Associations of Ontario attest to our commitment to the aims of public education and we cannot let this opportunity pass without again making a public statement that we are totally opposed to the use of taxpayers' money for private educational goals.

We know you have had submissions over the last few weeks, at least one, that will refer to the fact that there is a large number of groups now in our multicultural society that have established independent private schools. In fact, there is one group in particular that we refer to in our brief that made the point very clearly that they believe this action of the government now can be expanded to include other private schools.

On page 15 of the brief you will note we have quoted one of the submissions which you have already received. It says: "It is, therefore, not unreasonable to suggest that once the decision on Catholic funding is implemented, the government of Ontario, with the co-operation of the opposition parties, will expand the process to include all other bona fide independent schools in the province:

We must speak out in opposition to such a process. We believe very strongly there should be accountability of the public system and that is where the public money should be going. We disagree with any such interpretations as the one I have just quoted, from partial to full funding for the public separate school system. We agree with Mr. Allen when he said, "Systems of education that lack structures of public accountability cannot be given public moneys...private schools are not candidates."

We are not disputing that parents have the right to make educational decisions for their children, but we believe that if public money is to be used, then those rights must be exercised within the framework of public policy surrounding education.

We quote on page 16 a number of statistics about the growth of private schools in Ontario. We consider that growth reflects the swing of the pendulum that took place after the freedom of the 1960s and into the 1970s. The numbers there

include, of course, the number of students who are enrolled in grades 11, 12 and 13 of the Roman Catholic schools.

On page 17 of our brief you will see that a paragraph there describes some data we have received through a study, a government audit of private schools in Alberta that you may be familiar with, which indicate that some of the supposed advantages of private schools over public schools are not necessarily accurate from the results of that study.

We can completely agree with at least one statement made by the then Premier on June 12, 1984. He said, "The strength of Ontario's educational heritage rests in the general merits and value of a universally accessible publicly supported school system." The Federation of Women Teachers' Associations of Ontario entirely concurs with that statement and it is our resolution that we must do everything we can to protect and enhance public education.

FWTAA urges the Ontario government to eliminate any doubt about government commitment to public education. To offer any public encouragement or support to private schools which serve only small, narrow interest groups may damage the social unity of this province. As we noted in our brief to the commission on private schools in December 1984 in which we quoted from John Gardner, who was quoted by Michael Krist in the Coleman report, which I am sure you are familiar with, "A society which is not undergirded by some shared values simply cannot survive. Pluralism that reflects no commitment whatever to the common good is pluralism gone berserk."

Public education may be one of the most important and formative shared experiences we can provide to Ontario's children. Although we may wish otherwise, we recognize there is not infinite revenue for education. Therefore, it must be made clear that the first priority in education will be the public schools which serve all Ontario children. There is nothing unequal about providing public funds only to public institutions. Therefore, we recommend that no further public funding be provided to private schools, whether religious or secular.

Mrs. Parker: Carol, would you please talk about the impact on the elementary public schools.

Mrs. Dewey: Gentlemen, in the next section of our brief we are reiterating points I know have been made to this committee by two previous groups yesterday, the Ontario Teachers' Federation and the Ontario Public School Teachers'

Federation. The point is that there will be an effect on the elementary schools in Ontario.

This seems to have been overlooked by the people who have drafted the legislation to date, because there are specific references to secondary schools only. While there is a reference to public boards, which could be interpreted to include elementary, it is open to interpretation. For example, section 136s refers specifically to the effect on the employment of supervisory officers, teachers and other persons employed in secondary schools. We are of the opinion there will be an effect on elementary schools and this has, to date, been overlooked.

Some teachers are to be designated according to guidelines that are being established by the planning and implementation commission. Since the planning and implementation commission seems to be directed to consider persons employed in secondary schools, it seems there is some reason for concern on the part of elementary public school teachers.

It is a very complex issue when we look at how it will affect the elementary schools. It is complicated for many reasons, such as the unpredictability of the effect, the variations from school board to school board and the difficulty in determining whether displacement of an elementary public school teacher is consequent upon the election of a Roman Catholic school board to perform the duties of a secondary school board.

First of all, the declining enrolment may take place in elementary as well as in secondary schools as a result of separate secondary school funding. We know for a fact that we have Catholic youngsters whose parents, for reasons of their own, have chosen to send their children to elementary schools. I know this has been discussed by the committee.

One reason may be that, although there is a separate secondary school, the parents may not feel they have the finances to pay the fees required for their children to go to it, so they choose to have them go through one school system from the beginning to the end. In some areas, such as my own, there is no secondary separate school available to them, and so without that option they choose to have their youngsters go through the public school system right from kindergarten to grade 13. The introduction of the separate secondary school could have an effect if those parents then choose to send their children through the separate school system instead because of that option of the secondary schools being available.

10:30 a.m.

Not only is the impact on parental choice difficult to predict, but it may vary from board to board. Some public school boards have a relatively large number of Roman Catholic students in their public elementary schools and some have very few. That is partly due to what is available and what is not available. My own experience comes from what I consider to be a typical small rural school board. If the separate school is not as available as the public school, the parents are going to opt to have their children bused to the nearest school rather than being bused a longer distance to a separate school.

The displacement of elementary public school teachers consequent upon the extension of separate school funding is likely to be indirect. We give an example on page 22 of how a seniority policy would take effect. If there is a board-wide seniority system, it is possible that secondary school teachers could move down into the elementary system because of seniority and then would be bumping elementary school teachers. The case we make on page 22 refers to that. We know there are 17 boards in Ontario that have that kind of seniority system. The process may take place over a period of years and be less obvious than the example cited.

I would also like to point out that in a system such as my own, two or three youngsters in a school may transfer to the separate school system. That may not be very detrimental to one school, but when one looks at the system as a whole it can add up to one whole teacher in a school system that can very well use all the staff it has. As FWTAO has said for many years, we would like to keep these teachers in the elementary system, yet that is where, on a system basis, it would be evidenced.

In addition to our concern about the fate of public school teachers, we are worried about the smaller schools which may have barely survived the decline in enrolment. The transfer to a separate school may take such elementary schools to the point where they are marginal. In some cases, the transfer of students from the elementary school system to the separate school system could mean we would end up with the public elementary schools having triple grades. Any of you who have come from a teaching background know how challenging it is to have a classroom with three grades in one.

On page 23 we point out that elementary schools are an important aspect of the community. One of the negative effects of the larger units of administration established in 1969 has been a

degree of alienation among people who feel far away from their schools and school management. While we do not advocate a return to one-room schools, we do wish you would consider the importance of keeping these small schools alive.

If community schools disappear, children may have to be transported considerable distances. I know for a fact how much parents get concerned about how far their five-year-old is going to be bused. Not only that, but we have to be sensitive to the taxpayers in that school community. A large percentage of our taxpayers do not have children in the school system. If they see the community school closed, they no longer seem to have that connection with the community. As taxpayers they may lose sight of their commitment to the school system as a whole.

Therefore, we recommend that the Education Amendment Act, 1985, be amended as necessary to offer the same degree of protection to elementary public school teachers as to secondary school teachers.

Furthermore, we recommend that a special, earmarked grant be provided to public schools to allow for the retention of elementary teachers who would otherwise be redundant because of the shift of Catholic population to the separate elementary schools following the extension of funding to these secondary schools. As reported in September, the grant is to be based on the change in ratio on the pattern established in previous years.

We also recommend that special, small school grants be provided to retain community public schools which might otherwise be closed because of transfers to a separate school.

Mrs. Parker: Carol, would you continue and discuss the differential impact on women, please.

Mrs. Dewey: Yes. In the next section we are reiterating points made so well by Ms. Luka in her brief to the committee yesterday and that were also made by the Ontario Secondary School Teachers' Federation in its brief.

In November 1984, OSSTF pointed out that the burden in job loss to the public secondary system as a result of the extension of funding will be borne disproportionately by women. To reiterate those statistics, one half of the teachers with fewer than five years in the secondary system are women and there would be a potential loss at the present time of one half of them, which would be devastating to the individuals and to the system itself.

For 10 years, government statements have called for affirmative action to improve opportunity for women at all levels of the school system. It is most discouraging to see government action which includes incentive funding for affirmative action programs, while the bill before us gives no evidence of recognition of the special impact it will have on women.

One of the responsibilities of the Ontario women's directorate is the analysis of all legislation to ascertain whether women will be disproportionately affected. OSSTF called for such an analysis and we are also asking whether the women's directorate has been consulted. If the women's directorate pointed out the problem, was it ignored? Are we to assume that the new government has scrapped its commitment to affirmative action?

Our concern here is not just for the careers of women. We feel there is a harmful effect on all the students in the system. In particular, the significant role model for the females and the males in our society would be lost. The significance of role models has been studied exhaustively and is now beyond question. The negative effect of sex typing, particularly on female students, is indisputable.

Since teachers are the only professional group these youngsters see on a day-to-day basis it is essential that women be a part of that scenario, whether in the classroom or administration. There has been considerable discussion in the last few years, and in the statistics Ms. Luka showed you yesterday, about the percentage of women in areas such as math and science. I would encourage you to consider that seriously. As a parent of two girls who went through the high school system, the last one having just finished, I do not think they ever had a female teacher in math or science.

There was not a role model there for them, with the result they are not encouraged to study math and science because they do not see someone who has done that. I think that is imperative. The last one, fortunately, had a role model in administration. She had a female principal, which is rare in the secondary school system. I am pleased that she, at least, had that.

So we are recommending that the Education Amendment Act, 1985, be referred immediately to the Ontario women's directorate for a full analysis of its impact on women. We are also recommending that special provisions be made for affirmative action to allow for retention of women teachers who would otherwise lose their

positions because of the extension of separate school funding.

10:40 a.m.

Mrs. Parker: Thank you, Carol. I am now going to talk about the section on the employment protection issues.

We note the statement of the minister to the House on July 4, 1985, on the fourth principle in the legislation, on which he said: "There is to be no unemployment as a direct result of the policy regarding full funding. No teacher or other employee will lose his job as a result of this policy of full funding."

We are concerned that the term "direct result of the policy" excludes unemployment which may result indirectly from the funding. Carol has made reference to that indirect possibility. This is possible in the elementary public system in areas where elementary and secondary public schools have board-wide seniority and also when shifts take place in the elementary Catholic enrolment consequent on the extension.

We contend that the employment protection question should be re-examined from the perspective of preventing unemployment, both as direct and indirect results of funding.

For greater clarity, the references to the Roman Catholic school board in subsection 136l(1) should be amended to read "the contiguous and coterminous Roman Catholic school board."

As proposed by the Ontario Secondary School Teachers' Federation, we consider that changes in position in the systems should be determined and approved by the commission with the designation of personnel to follow. The process should continue for as long as the shift of student population continues, and it should not be limited to the first 10 years. The elimination of the 10-year limit would require a deletion of complementary subsection 5 to permit the continuation of the planning and implementation commission.

The designation procedure outlined in subsection 136l(2) as a date for fixed designation should be applied in the various boards with reference to the existing collective agreements, which frequently provide dates by which notice of staffing changes must be given. Again, this is a very important aspect of the protection rights and the transfer of teachers from one system to another.

To prevent any argument about the limits of the term "teaching staff," we advocate a definition section which would specify that teaching staff include individuals in positions of responsi-

bility or otherwise engaged as teachers outside the classroom.

In subsection 136l(3) the qualifications required for the positions in the separate system should be only those qualifications prescribed by the regulations, and the section should protect not only those teachers who are qualified but those who could become qualified before the starting date of the position.

The legislation does not currently refer to those occasions when no individual may be found qualified for the position, so that it is to be filled by the use of a letter of permission. In those cases we propose that designated persons receive priority in the granting of letters of permission.

Both teachers and nonteaching staff who negotiate a voluntary transfer from a public board to a Roman Catholic board will not appear on the list of designated personnel and, therefore, under Bill 30 will not be entitled to the protection contained in the bill for designated personnel. We advocate an amendment of the bill to extend these protections to those staff members as well.

Subsections 136l(6) and (7) provides for transmittal of lists of names of those persons on the designated list not employed by Roman Catholic school boards. Subsections 8 and 9 then preclude a public board from terminating the employment of a designated person who has not been employed by a Roman Catholic school board, but only if that person has not refused an offer of employment from the board.

We consider that the legislation should make it absolutely clear that an employee is not obliged to move out of his or her geographic area to accept employment with a Roman Catholic board and that the lists specified to be transmitted are for information purposes only. Employees who choose to move voluntarily have the right to do so, but should be protected, as are designated employees. Those who do not choose to move geographically should be entitled to remain with their employing public board.

Further, we support the right of any public board employee to decline employment in the Roman Catholic system for religious reasons, and we propose that the public board employer of the individual be required to continue to employ the employee. Funding for such individuals should be paid fully by the provincial government so as not to reduce the resources available to the public board, while maintaining the individual's freedom of conscience.

Subsection 136l(10) provides for the protection of salary, but the wording suggests this is only for the first year of employment with the

Roman Catholic school board. If it is the intent of the legislation to provide for red-circling, wording to that effect should be used and any ambiguity removed from the section. We favour such an intent.

Subsection 136l(11) should be amended to include protection for voluntary transferees and should include "shall continue to accrue seniority." This issue may result in considerable difficulties, given varying definitions of seniority in the different collective agreements. In our view, the value of the seniority accrued by individuals transferring to a Roman Catholic board should be equal to what it would have been had the person stayed with the public board.

We are in agreement with the position of the Ontario Teachers' Federation that subsections 12 to 18 inclusive should be deleted from this section of the legislation and replaced by wording proposed by the federation. You have already had that before you. They ask for the full recognition of approved seniority and retirement gratuity rights.

The attempt to restrict portability of sick-leave credits to those boards in which the Roman Catholic school board has the same or part of the same area of jurisdiction as the public one, subsection 17, and the nonportability of sick-leave credits where the separate and public boards have reached an agreement for payment or transfer of excess sick-leave credits, subsection 18, appear to conflict with the general portability of sick-leave credits available under section 158 of the Education Act.

Furthermore, the right of an agreement between employers to affect the sick-leave credits to which teachers are entitled by statute under the Education Act is completely unacceptable to teacher affiliates. We urge the deletion of this subsection of the bill.

We also consider subsections 19 to 21 do not provide sufficient protection against discriminations for employees moving from public to separate boards as a result of extended funding. We consider absolutely clear guarantees must exist to assure employees the same employment rights in the separate system as they enjoy in the public one, and that they should be free of all forms of discrimination with respect to employment, hiring and advancement.

In our view, this could best be accomplished by extending to these individuals all employment protections contained in the Human Rights Code and specifying these provisions apply, notwithstanding section 23 of it.

The bill's reference to protection from discrimination on the basis of creed may be interpreted by the courts as permitting discrimination on other grounds not normally permitted under the human rights legislation.

The use of the word "despite" in subsection 136l(21) introduces an element of uncertainty. It could be corrected by substituting the word "notwithstanding," which already has been subject to legal interpretation.

Perhaps hardest of all to protect is the right to promotion, if that is the meaning of "advancement in employment" in subsection 136l(20), regardless of creed. As members of an organization representing women, we are only too aware of the barriers to promotion faced by women in the best of circumstances. To add to the systemic discrimination now faced by women teachers the additional barrier of a non-Catholic lifestyle may mean non-Catholic women teachers forced to transfer to a Roman Catholic secondary school may have to abandon all hope of becoming principals or superintendents.

We are not reassured by the vagueness of the responses of separate school teachers and trustees who have appeared before your commission. We do not know how subsection 136l(20) can be enforced for either women or men. We ask for your clarification.

10:50 a.m.

In our view, section 136m, designed to provide for arbitration of disputes regarding designation and employment of designated persons, is seriously flawed in its current drafting. It provides for a traditionally rather long process of arbitration when time will be of the essence. We advocate establishment of a definite short time line similar to the expedited arbitration procedures under the Ontario Labour Relations Act.

A fundamental problem in the current drafting is the failure to establish clearly those individuals, institutions and groups that must be party to arbitration to permit full representation of teachers and enforceability of an award. Both the public and separate boards will have to be parties for it to bind the boards. The individuals affected must also be parties, as well as the branch affiliates or the nonteacher unions that represent the individuals affected.

In the case of individuals who are not members of an employee organization and who might therefore be faced with the high cost of representation, we propose that the ministry assume the cost of their legal representation.

Subsection 136m(15) provides that a collective agreement between the parties shall be

deemed to include subsections 1 to 14 if it does not provide for arbitration of such dispute. To our knowledge, no collective agreement provides for arbitration of such a dispute since this entire process was not known until the legislation was introduced. This section will, therefore, undoubtedly become the arbitration section for many such disputes.

We propose that it be expanded to provide clearly for parties, wide powers to the arbitrator and full rights of representation to all employees affected.

At this time I will ask Jeanne Milovanovic to discuss access to separate secondary schools.

Mrs. Milovanovic: We can really sum up our section on access to separate secondary schools very quickly. We believe there should be access for all and that there should be a right for exemption from religious programs for both Catholics and non-Catholics on request.

We believe the public schools are charged with the continuing task of providing instruction for every resident child who is presented for admission and that there should be open access.

In subsections 136o(9) to 136o(14), there is provision for an appeal of a decision of a separate board not to grant exemption from religious education. If there were open access, there would be no need for that; it would eliminate the need for it. However, if it is there, we advocate assumption of the cost of the appeal by the provincial government. In our view, parents of children in a publicly funded education system should not have to pay to obtain an exemption from religious education for their children.

The section should further provide that the child will not be compelled to take the course pending a decision on the appeal. We have referred to the word "notwithstanding" before, instead of the word "despite".

If I may continue on with the next section, we are greatly concerned with the delegation of powers to the planning and implementation commission. It is almost as if, not knowing quite how to deal with the controversy, the easiest thing is to bury it in the planning and implementation commission.

Agreed? It looks as if some of you are.

Power has been given over to this commission related to people, property and educational decision-making, and no clear guidelines have been given to it. We believe issues of this importance should be determined by those who are politically responsible to the electorate and specified by criteria within the legislation.

Going through that section, at the bottom of page 40 you will note it is our opinion that, while it is now discretionary whether the public hearings should be held, it should be mandatory. We believe the teacher affiliates and the nonteacher unions should be part of that process.

We are quite amazed at the powers of this commission, that it has been given total discretion in interpreting the criteria specified, and we quote them in the brief. The criteria are nonspecific and highly discretionary and may result in repeated litigation and another field day for the legal profession.

Further, we believe the involvement of the commission in the transfer of persons on teaching and other staff, specified in section 136, should not preclude teacher and nonteacher union participation and these groups should be named in the legislation as parties.

Similar conditions apply to the tribunals which may be established under section 136x to resolve disputes. Again, we strongly urge that staff and employee associations be involved. Restriction of these hearings to the public board and the Roman Catholic school board, although the hearing may adjudicate procedures to be followed in the reduction of staff, denies access and participation to individuals who may be directly affected by the decision of the tribunal and may result in decisions which conflict with the provisions of collective agreements.

If you turn to page 71, you will see the recommendations we are making on that section. On page 70 we refer to our recommendations regarding access. On page 71, starting with number 31, you will see the recommendations we are making in line with the remarks I have just made.

Mrs. Parker: Carol, would you please talk about the effects on programs?

Mrs. Dewey: In this section we are pointing out the effects that the extension of separate school funding could have on the programs in the school systems. While many of our references apply in particular to the programs in the secondary school system, I would like to point out that documents such as OSIS, Ontario Schools, Intermediate and Senior Divisions, do include grades 7 and 8, which are a part of the elementary school system. So there can be some effect on the programs in the elementary school system.

In itself, the extension of the funding can have a great impact on these programs in the secondary school system, but when you add to that the special education legislation and OSIS,

which are to be fully in place this September, the situation becomes even more complicated. Each represents a major change, each has significant impacts and one clouds the other when they are all considered.

The ministry in OSIS has recognized specifically and made provision for small or remote secondary schools. Several suggestions are offered for meeting the needs of students within the constraints of the small school, such as the use of the independent studies which used to be called the correspondence school.

Bill 30 compounds the problem by producing, in effect, more small secondary schools. It is very difficult to understand a ministry that would recognize the programming difficulties in small schools, provide them with additional finances and then, shortly thereafter, deliberately create many more small schools which will face similar problems.

In the ministry document, *Issues and Directions*—a very important policy document of the Ministry of Education—as well as in OSIS, we have the statement that one of the goals of education is “to help each student develop esteem for the customs, cultures and beliefs of a wide variety of societal groups.” This is further clarified in section 1.4, “the demonstration of respect for other races, cultures, languages and religions.”

It is expanded upon further: “Ontario has a tradition of providing opportunities for people of various cultural, linguistic, racial and religious origins to build a life together as Canadians. The policy of multiculturalism officially adopted by the government of Ontario accepts this diversity as a unique characteristic of Canadian identity and requires the schools to help prepare all students to live in our multicultural society and in an increasingly interdependent world.”

By encouraging Roman Catholic students to remain in the separate school system, the government is depriving them of the opportunity to interact regularly with students of different religious backgrounds. At the same time, the public school system will have fewer Roman Catholic students, which will minimize the opportunity for those students to develop a better understanding of and appreciation for Roman Catholic beliefs. At a time when religious biases appear to be waning in Ontario it is unfortunate that we seem to be reverting and focusing on religious differences again.

11 a.m.

One of the curriculum priorities stated in OSIS is that, “The preparation of young people to enter

the world of work equipped with attitudes and skills that will make them productive and successful is an essential task that must complement the traditional functions of secondary education.” This makes all schools responsible for offering a wide range of choices, including not only academic but also business and technical courses.

At present most students in separate secondary schools are in academic courses. However, all schools should provide technical courses, particularly for those students who are going to go into the work force immediately after secondary schools. To expect secondary separate schools to provide high-quality technical courses by September 1985, a matter of weeks away, is unrealistic.

Not only are many of the secondary school teachers unfamiliar with such curricula in the technical courses, they also have limited experience in dealing with the nonacademic students who present their own challenge. Separate school boards must either provide a considerable number of in-service programs for their teachers or hire teachers from the public secondary schools.

The danger to programs in the public secondary schools is obvious. The expensive equipment and facilities that are required for much technical, business and technological study are present for the most part in the public secondary schools. While we can see that a sharing of these facilities may be possible or the purchase of service may be arranged, we very much oppose costly duplication in this area.

Mrs. Parker: We are now going to move to a section on the funding of public education. The focus of the whole matter comes to the funding. I am going to ask Dr. Henderson to speak to this section.

Dr. Henderson: Gentlemen, I am sorry I was unable to attend the hearings yesterday. I understand that one of our fellow affiliates, the Ontario Public School Teachers' Federation, picked up on a number of points that were made in a presentation we made to the Ontario Commission to Inquire into the Financing of Elementary and Secondary Education. I do not undertake to read this tome to you today, but I have brought some copies in case you might find it helpful, after you have read everything else that has been presented to you.

We hope this will give us one more opportunity to impress on you as a committee a concern we have raised with the government since 1970. We have pursued it vigorously and it has to do with

the financing of education for young children. You may ask what this has to do with the question at hand. In our opinion it has a great deal to do with it. It is this relationship that I would now like to take a few minutes to draw.

The bill opens with the requirement that a separate school board be able to provide secondary school education and that the action "will promote the best interests of public education in Ontario." From the time the announcement was made in June 1984, this federation had some reservations about the proposal. Some of those reservations have been dealt with earlier in the brief.

When it became clear at the early hearings of this committee that the cost of this action to the citizens of this province was to be \$150 million a year, the issue became more clearly defined. The basic question that needs to be asked is whether the allocation of \$150 million to provide the same education in a different setting can be justified as an acceptable expenditure for education or whether it carries more religious than educational benefits. We make the point later that, unfortunately, the system may not even be identical to the system it is replacing, but both systems may be impoverished by the action.

The FWTAO believes this money should be used to improve the programs for young children at the elementary level in both public and separate schools. For more than 15 years, this federation has spearheaded the move towards equalization of educational opportunity between elementary and secondary students. Since early studies on education finance, equalization has been defined in terms of dollars. That is how we measure whether things appear to be equal or not.

The seminal work done in this area by Strayer and Haig identified the major aspect of any grant plan to be the need for equalization among school boards. The equalization grant was defined as the amount of education expressed in dollars which a state was prepared to guarantee to each child within its jurisdiction, leaving the school boards the right to increase that amount as they saw fit or were able to do so.

In Ontario there have been two sets of equalization grants, those determined for elementary students and those determined for secondary students. These financial arrangements recognized the need for equalization among school boards but did not accept the need for equalization of educational opportunity for children at the elementary and secondary level.

For a number of reasons, secondary schools seem to have been held in higher regard than the

elementary schools. I am not going to carry on with that but will simply say that traditionally in our society they have been at the top of the heap, if you will, for a number of reasons. I would ask you not to pass over some of those reasons. They are worth considering.

Whether such differing treatment was justified in the past is of less concern to us than is a re-evaluation of present circumstances. Elementary teachers now are required to have degrees. Of the elementary teachers, 68 per cent have one or more degrees, while 87 per cent of the secondary teachers have degrees. I make that point because sometimes we simply assume that all secondary teachers have degrees.

There is a growing recognition by the public, and this I emphasize to the committee, that teaching at the elementary level requires more than the mastery of simple content. An understanding of learning and teaching theory, added to the responsibility for the careful preparation and development of basic learning tools including thinking skills; communication skills such as reading, writing and speaking; and productive work and social habits, places the elementary school in the important foundation position of the educational hierarchy. It has always been difficult for this federation to understand why the ministry has been prepared to invest more money per pupil for the education of secondary pupils than of elementary pupils.

I am going to update the figures that are in the brief. In 1985, a difference of \$879 exists between the \$2,396 for elementary and the \$3,275 for secondary. I do not think there is a person in the Ministry of Education who does not, when they look at us, see the word "gap" and hear us talking constantly about our complaint about the gap that exists.

Arguments have been made that subjects such as Greek, Spanish, Latin and vocational training require small classes which contribute to the higher cost. Similar arguments could be made for the elementary schools. Why should elementary teachers be required to teach reading to a class of students with a range of reading ability up to eight years—that is not unusual—any more than a secondary teacher should be required to teach first-, second- and third-year Spanish at one time using similar grouping procedures expected at the elementary level? Why should secondary teachers expect two or more preparation and marking periods a day? We could go on. I do not want to belabour this point but it simply has to be made over and over.

11:10 a.m.

We are pleased to say, and we have to be fair in this, that the pressure for more attention to the elementary schools initiated by this federation in the early 1970s and carried on for all the years in between has borne some fruit. Over a 10-year period—and I give some credit to Dr. Stephenson, who kept this point in the forefront of her mind—the pupil-teacher ratio for elementary has dropped to 20 as opposed to 16 for secondary. It is not equal by any means but there has been an effort to reduce the difference there.

It is true the number of students requiring education has declined but the expectations of the school regarding the extension of programs to hard-to-serve students and the range of social programs to be addressed have increased greatly. These shifts of responsibility cannot be made without providing adequate funds to meet the needs. This is particularly necessary in the provision of a sufficient number of teachers to serve adequately the needs of special and regular students alike. When these students are integrated or mainstreamed to provide an environment of minimum restriction, the need for smaller classes is particularly important.

The federation has been calling for smaller classes at the elementary school level for many years. This is often seen by outsiders as a form of self-seeking, a reduction of work load. More and more evidence is accumulating on the side of the need for and the economic wisdom of small classes in the early years. Dr. Jackson made the point in his report from the Commission on Declining School Enrolment. He said the federation should make a thrust for the reduction of class size. His statistics showed 13 per cent of the elementary classes had 35 or more students while seven per cent of them had 40 or more. We tend to think class size has dropped dramatically, especially when we see pupil-teacher ratio figures, but the size of classes is often not reflected in that.

I want to state that the federation's thrust for smaller classes predated any suggestion of declining enrolment. Though we would not suggest for one moment that we are above seeking the interests of our members at every turn, we can honestly say the concern of the teachers and this federation has been that the teachers be given working conditions that make it possible to do the job not only for their sakes but for the sake of the students.

Vector Public Education Inc. did a survey in 1984, and when dealing with educational issues, the highest number of respondents, 70 per cent,

said classes are too big in most schools; teachers do not get the time to give children enough personal attention.

There is a very interesting excerpt from the *Globe and Mail*, which I will not read to you but which is worth reading. Students know what smaller classes can do for them, as that excerpt indicates. What a shame they should have to face years of failure and damaged self-image before the answer comes. How much better it would be to reduce class size in the early years before the damage is done so that problems can be dealt with early and before they leave an indelible mark on the student.

The classic response to any suggestion that class size should be reduced is often, "But there is no conclusive research to support the value of smaller classes." I have quoted from a summary of research in this area. There is evidence that smaller classes for two or more consecutive years in the early primary grades—it does not help to give them one year and then another year with a larger class size; it has to be two or more consecutive years—will benefit children. This is particularly true for economically and socially disadvantaged pupils.

Recognizing that one of the chief concerns the public has about the public schools is discipline and recognizing that in many cases the telling criterion parents use in determining whether they will use the separate or the public school is often the whole question of discipline, one of the findings is that smaller classes appear to have a positive effect on pupil behaviour in the elementary grades.

In November 1984, Dr. Stephenson, the then Minister of Education, gave her challenge, if you will, or her commission to the Ontario Commission to Inquire into the Financing of Elementary and Secondary Education. It is very interesting how that was worded. She highlighted the focus of that commission as "efficiency, economy and effectiveness in the use of public funds for education."

There is some very interesting research coming out of a number of places in the United States showing that where money is placed in the early years, the economic payoff they have been able to determine has been in the ratio of seven to one. So if we are looking for efficient, economic and effective use of funds, let us look at their allocation at the level where that effectiveness takes place, which is the elementary school.

We are not proposing that more money per pupil be given to elementary than to secondary, but that at least equal resources be available in the

early years. A shortfall of \$879 per student is not only unfair but inefficient and uneconomical in our view.

Almost 4,000 teachers could be provided to elementary schools, both public and separate, out of \$150 million a year. If the number of teachers available to students in the early years makes a difference, the evidence just provided leaves little doubt that "the best interests of public education in Ontario" as set out at the beginning of this bill would be served by an expenditure in the elementary schools.

I come back to the point of asking whether the expenditure of \$150 million to provide at best the same education to X students, albeit in a different school system, is really in the interest of public education or whether it is in the interest of a religious denomination. The challenge facing this committee and ultimately the government of the province is a sobering one.

Mrs. Parker: We recognize the futility, 118 years after Confederation, of contending that only one public school system should receive public funding. We hope it is not futile to urge that the realities of our new society be recognized in serious reconsideration of extension of support for schools of one denomination among the many in modern Canada.

We find it unacceptable that a province that has systematically reduced its level of support for all public education, a province that has refused to improve learning opportunities for young children, a province whose government has just announced an economic crisis, should be prepared to find \$150 million a year to provide a duplicate secondary school system.

Furthermore, the quality of the system now in existence may suffer if the smaller schools make some programs harder to offer. The result may be two inadequate secondary schools where now there is one effective public secondary school.

11:20 a.m.

We deplore the divisiveness that has already appeared in some communities over the funding issue and fear greater divisions will develop if public school teachers are unemployed or, if they do accept positions in the Roman Catholic schools, find their prospects for promotion reduced because they are not Catholic. We fear, too, the backlash if students who wish to attend Roman Catholic schools are denied access, for whatever reason, or denied exemption from religious education.

We believe public secondary schools will suffer from the loss of younger teachers, a large percentage of women teachers, and reduction of

school size with the attendant reduction of program offerings.

We urge, in the strongest possible terms and in the cause of a tolerant, liberal, multicultural society, this committee to have the courage to look at the extension of separate school funding in the light of economic and social consequences which have become clearer over the last year, and then have the courage to take the required difficult action.

We will now attempt to answer questions and then I will present our summation.

Mr. Chairman: Thank you very much for a very full, clear brief. It is very helpful to the committee.

I will ask committee members to be brief in their questions because we are already eating into the time of other delegations. From this point we should try to have questions of clarification rather than debate.

Mr. Jackson: First, if I can address your statement, this is a substantive presentation and I have about nine questions on which I have made a notation.

Mr. Chairman: I know you will be brief. That is all I am asking.

Mr. Jackson: All right.

Dr. Henderson, I especially appreciated your comments because I am increasingly convinced the two substantive issues emerging here are the protection of the public system and the costs. The legislation as we now have it seems totally inadequate in those areas. Your brief adds more weight to the concern I have.

Is it fair to summarize part of the theme in your last presentation as saying there is an increased threat to the elementary system because there will be an overall siphoning off of total education dollars, focused extensively on the secondary system at a time when we have a government which, when it was in opposition, made specific promises to the elementary panel?

Dr. Henderson: Yes, that is part of it, that it will be addressed at the secondary level. Essentially our concern is, how can \$150 million now be found so readily when for 15 years it has not been found for purposes we think are justified? That is water under the bridge. We cannot do anything about it. The problem is, is there another \$150 million, at least, to answer the question we have raised?

Mr. Jackson: It would be up to the minister to respond directly. I have my own thoughts on it and you pose some interesting questions. If we had the time, I would like to discuss protection

for the small-school component and the dissolution of triple grades, splits and things of that nature; and the impact in those areas.

I would like to talk to you now about the equalization among school boards. You were talking about the general dollars, but those grants are made through assessments. Yesterday or the day before, we heard from a group about equalized assessments. I wondered if you had some firm views that perhaps we are losing educational dollars because of the lack of equalized assessment within an actual board jurisdiction and then within the province, and that perhaps if we had more groups in the province advocating equalized assessment we might be able to generate more dollars for education.

Dr. Henderson: Could I understand what you mean by equalized assessment? Is that full market value?

Mr. Jackson: Yes.

Dr. Henderson: There is value in having full market value assessment. It keeps the assessment up to the current value. As far as equalization is concerned, I do not think it figures as much because what is being lost at one level is also being lost at the other. Therefore, they are equally low or equally high.

Mr. Jackson: For the few people who understand the grant structures, there are penalties in place for boards that are not on equalized assessment because it is a source of revenue they are not tapping. Maybe the ministry people can help me with that.

Mr. Clifford: That is true.

Dr. Henderson: Those differences are so peculiar to the particular areas that it is rather hard to give a general assessment as to the effect on an overall provincial level.

Mr. Jackson: There was a reference in your brief to the concept of volunteers transferring and protection of their benefits. That theme has come across clearly. There is also the notion of the equitable mix of genders in transfers.

You have injected the notion of qualifications and transfers to positions of responsibility. I wonder whether you have any thoughts about a person who now has volunteered and agreed to transfer, and who may have achieved a promotion or higher position; come September the balance of the identified list of personnel transfer and a conflict arises between a member who was designated and a member who volunteered as to who should have the better job.

Could you provide some thoughts you might have in that regard? Who should arbitrate that? Do you feel the volunteer should be penalized? Do you feel the designated person should get it?

Mrs. Parker: If I understand your question correctly, one person volunteered and was given the position prior to a person being designated.

Mr. Jackson: Yes.

Mrs. Parker: Then a designated person was also qualified for the same position.

Mr. Jackson: And therefore would have to take a lesser position because it was all that was available.

Mrs. Parker: Because there was only one position available.

Mr. Jackson: Should the other person be bumped in the totality of the number of transferring teachers?

Mrs. Parker: You are asking the teachers to make a very difficult decision about one member above another member. That was the point we were trying to make in saying we should recognize voluntary and designated as being the same in protection and plan. Then you would not have that problem. They would both be equal for the position and would be weighed accordingly, not as to a volunteer or a designate. Then you would have people sitting and discussing two people who applied for a position and you would have to abide by the decision that was made.

By having two forms, voluntary and designated, you are creating another problem that should not exist. That is why we are saying you should give the same protection to all people whether they volunteer or are designated.

I know I am not answering your question as to who should have the position, but I feel I am answering the question that is created by having voluntary and designated persons, some protected and some not.

Mr. Jackson: I understood that and personally I agree with you on that point. You go on to suggest that where there is a matter to be arbitrated, the federation should be involved.

Mrs. Parker: That is right.

Mr. Jackson: Having experience with resolution of conflict at the board level, I assume the volunteer who had a leg up would be bumped. I assume that would be the normal course of action and you would support that position.

Mrs. Parker: No. I think you are making an assumption that is not there. They are both members of an affiliate and both are entitled to the same protection.

Mr. Jackson: Okay. I will quickly try to catch my page references. I will leave the transfer of facilities, about which I can ask a question privately.

You talk about holding a free vote in the Legislature on the Education Amendment Act. Can you tie it to a time when you see that occurring in terms of the recommendations? Would it be immediately on the House returning in October?

Mrs. Parker: I would say prior to any moneys being forwarded to the system.

11:30 a.m.

Mr. Jackson: To be clear, that would imply the Premier (Mr. Peterson) would call the House back specifically for the free vote prior to September 3. Implicit in that is that it would be before funding dollars are actually transferred or the expenditures authorized by order in council.

Dr. Henderson: We know all three parties have come out supporting the issue. That is what we find so discouraging about the thing. What is any of this going to accomplish? The free vote suggests the members of the Legislature will be unhampered by party position on it.

I must say, since suggesting that, though I was not here yesterday, I did see the presentation in the morning on television. I was impressed with the argument that was made by the people who appeared from the Diocese of Algoma. Although the speaker did not agree with rule by referendum, and that would be our position, he suggested that where the three parties have no alternative to offer to the public that is the justification for having the issue put out, not at the party level because there is no party to defend the other point of view, but to a referendum. I must say I found that a rather interesting suggestion.

Mr. Jackson: Finally, in response to that statement, there has been reference in the committee hearings to the other point in Ontario history when that occurred. That had to do with Bill 100 and the right of teachers to strike. There is some disagreement on whether the public would have granted such a right if there had been a provincial referendum. So it may be inappropriate this time, but it is not foreign to the process.

Dr. Henderson: It was not needed then. All parties did not agree with that issue.

Mr. Jackson: It went through with the three party leaders substantively agreeing on it.

Mr. Timbrell: On the principle of it, sure.

Dr. Henderson: Yes, that is fair enough.

Mr. Timbrell: We finally came to a point where the parties did agree on the principle. If that had gone to a referendum, you would not have the Education Relations Commission today.

I want to touch on two areas very quickly. I have not read your brief to the Macdonald commission. I would like to. If I may have a copy, I would appreciate it.

I have had a question in my mind for some time now as to whether—and I suppose this is part and parcel of why Macdonald is looking at the whole question—the days of per pupil grants should not be numbered and whether we should not be looking at global budgeting for education based on actual need, and the variety of programming, taking account of small schools, distance and many other factors. Can one of you sum up the gist of your recommendations to the Macdonald commission as far as the future structure for financing education in Ontario is concerned?

Dr. Henderson: We were not in a position, nor did we consider ourselves to have had either the time or the wit, to redesign the whole financing system of education in Ontario. One of the points we make in the brief is that in many ways we are well ahead of most areas in terms of our financing procedures and the weighting factors to address the question you are talking about; the ways, through the weighting factors and so on that we have attempted to accommodate to the differences in program and differences in student needs.

There is no question that the Ontario plan is to be commended. I still think we need equality between the elementary and secondary level. That is a big problem. I also, as fairly as we are able to do so in the brief, agree that when it comes to equalization the separate schools have had the short end of the stick in the system in many ways, in that they do not have the same access to commercial and industrial assessment. I know you do not want to get us going on that topic—

Mr. Timbrell: I do not mind.

Dr. Henderson: —but because they have not had anything above the grant ceiling, it has been more difficult for separate schools to cope with than for elementary. In the historical introduction to this, I must say I relied totally on the work done by—he is a friend of mine and I should know his name; the history of the development of the elementary public schools, the separate schools and the secondary schools as the three streams in Ontario history is very fascinating.

In my estimation, it really explains some of the roots, some of the things we are grappling with now, whether it is elementary, secondary, separate, public, or whatever. It is a very complex issue. We did not attempt to say we could redesign the educational financing of the schools in the time that was given.

Mr. Timbrell: Was your bottom-line recommendation to the Macdonald commission that you simply retain the present system with all the weighting factors and criteria—

Dr. Henderson: No it was not.

Mr. Timbrell: —with an equalization of elementary and secondary?

Dr. Henderson: No, it was not. In fact, one of our main recommendations was that a royal commission be established. I do not think a commission—

Mr. Timbrell: Another one?

Mr. Chairman: You can never have too many.

Dr. Henderson: Yes, another one; right. There is no way in which a commission, sitting the length of time that commission did, receiving submissions the way it did, could deal adequately with the issue. Its members would be the first to suggest that. I do not think it has a report, and when it does report, that will be a part of the report.

One of the recommendations we made—two of them were in this brief we presented to you today—is that we are opposed to the pooling of commercial and industrial assessment for all. We think it is unfair. The way the separate school question should be answered with respect to the elementary schools is not to shift the students into separate schools. At the elementary level, if the separate schools have any meaning at all, we do not believe it makes sense to have teachers in those schools who probably are not supporting the values for which that school exists.

I think by the time the adolescents are there they have some ways of coping with that. Rather than attempt any kind of transfer, as is suggested for secondary students, we suggest that where a teacher would have been declared redundant because of shifts in enrolment caused by this action, by this bill, this money be provided for the public system in order to reduce its pupil-teacher ratio. Simply leave the teacher there. There is justification for saying, "That is not wasted money; it is not even unfair allocation of money." Leave the teachers there and pay the boards for keeping them there. That is part of the cost of implementing this proposal.

Mr. Chairman: All members would like to see that material. Perhaps we could have a copy for each caucus, if possible. It would be quite useful, and the critics can brief the rest of us.

Mr. Timbrell: One of the points that has been made—I think you alluded to it—is the commitment of all three parties to reverse the trend with respect to the percentage of education costs borne by the provincial government.

11:40 a.m.

I have two questions about that. Again, I have been around here so long I can go back to the days of ceilings on school boards. Assuming you support that position, and I assume you do, what kind of controls on local spending by school boards would you find acceptable for the provincial government to apply? Would you rather it simply be a blank cheque or have the government say, "It is going to be 60 per cent of whatever the bill is and we will pay it," without regard to spending?

I have a related question. Whether or not there are controls on school boards' spending, with a growing percentage of the cost being borne by the provincial government, what controls, if any, do you feel there should be on municipal government spending, so any tax room freed up at the local level by increased provincial grants would not automatically be filled by the municipal governments and the net benefit to the ratepayers would be nil?

Dr. Henderson: We deal with that in this original brief. I remember the period of the ceilings, and we expressed our opposition at that time. The proposal we make is not that the government promise a certain percentage, 80 per cent or whatever. That is where the problem develops and the need for the ceilings comes in. We are suggesting that the level of expenditure the province is assuming now is not adequate and has been going down. We are saying it should be going up. It can go up to a lot of those numbers where there was no promise made to do it.

I know what you are saying and I sympathize. You cannot keep pouring in money and having it spent at the other end until that amount gets up. I understood the ceilings and why they were put on. It was the only answer at that time in order to meet that commitment. But there is a way of doing it without saying, "We promise 70 per cent." Instead of year by year having it turn out that the amount allocated—you could put in another \$150 million or you could put in another \$300 million, without any promises. It would raise the percentage but it would not guarantee a percentage.

Mr. Timbrell: Whenever this is mentioned, there are two objectives. One is that we continue to improve the quality of the educational system. The other is to reduce the impact on the local ratepayers.

One reason the ceilings were done away with was that, while the provincial government was constantly at odds with the school boards and the teaching profession over controlling spending on education, the municipalities were very neatly moving into the vacated tax room and the local ratepayers in many instances were not seeing the benefit of controlling their local tax requirements.

Dr. Henderson: I am not sure whether I have that table in this brief, but there is very clear evidence that the ratio of local to provincial changed considerably over that time. Whatever the dollars were, in such places as North Bay and Sault Ste. Marie the ratio of local contribution to provincial contribution was reduced tremendously as a result of that 1970-71 commitment by the Conservatives.

Mr. Timbrell: That is fine. I have one other question on consolidated school boards. If you have a position on consolidated school boards, perhaps you could tell me privately. I will not take the time of the committee.

Mr. Chairman: If you could forward that to us, if you have one, that would be great.

Although the committee does not like heckling, I am pleased to see somebody with a vested interest in the future of education is making his or her commentary at the back. Feel free to keep exhorting us.

Mr. Offer: I have a question about your recommendation 7. It is merely a point of clarification for myself. It seems it is directed to the possible detrimental effect that the extension of full funding may have on the current percentage of teaching positions now held in the public school system by women. I wonder if you have any proposal or comment as to how that possible detrimental effect might be curtailed or alleviated because of the seniority now held by 52 per cent of the women in teaching positions.

Mrs. Parker: If I understand your question correctly, you are asking for suggestions that would indicate protection for women with regard to the seniority they now hold and the future opportunities they would have. Basically, we are trying to draw to the attention of the committee that there are some attendant problems with that which have not been addressed, probably because it has not been seen as part of the problem.

In terms of seniority, we are looking at saying, "Have the Ontario women's directorate study this very carefully, as we will do, to see whether the impact is as great as it seems to be, so that women with the least seniority will not lose positions as a result of the extension of funding." Many of the people now in the secondary panel are younger teachers who are women, and the proportion is increasing. We do not want to lose those women from the systems as a result of the implementation.

Mr. Offer: You have no proposal to provide to this committee at this time.

Dr. Henderson: We do not have one, but we would be prepared to prepare one as part of an affirmative action approach to the question. That kind of resolution of it is not going to come out of a hat, but it has been faced by business. The exact case does not now come to mind, but I know very well that in the United States some of the affirmative action questions and the whole seniority question and their effect in cases of redundancy and on minorities and so on had to be dealt with in some of the legal cases they looked at.

Mr. Offer: I just wanted to know whether there had been any further thought about that. What struck me was the thought that, with respect to these lists, perhaps there ought to be a male and female list so we could watch the percentage of impact. I would want to know if they contemplated that.

Mr. Chairman: Yesterday Ms. Luka suggested that the percentage of female to male teachers in a specific board area should not be allowed to drop as a result of this; and that even school-by-school, role models must be maintained. Do you agree with those kinds of comments?

Mrs. Dewey: One of the possibilities you may want to consider in the line of affirmative action is that the designated transfers reflect the ratio of male to female teachers in the system and in administration.

Mr. Reycraft: The group has made a number of suggestions about ways the bill could be amended to better provide protection for displaced teachers. One that particularly interests me is at the top of page 30 where you talk about offering protection not only to teachers who are qualified, but also to those who could become qualified before the starting date of the position.

So that I am clear about it, are you suggesting that where someone could become fully qualified by taking an extension course or a summer

course, he or she should be given the same status as a qualified teacher?

Mrs. Parker: It says that if there is no person who is qualified for the position and there are people on the designated list who could qualify prior to the position becoming available, you should look at extension courses, in-service summer courses and that kind of thing. Those designated people would be given the opportunity to take the courses and qualify for the position.

You are really looking at three levels of people who might fill the position. The first is a person who has the qualifications. The second is a person who does not have them but can become qualified. The third are the people who, because neither of those is available, will be given the position because they have similar qualifications.

11:50 a.m.

Mr. Reycraft: I have one further question about the letters of permission. Your recommendation suggests that where no qualified or able-to-become qualified person is available and the board advertises outside the system to have the position filled and still does not find a qualified person and has no alternative but to use a letter of permission to fill the position, then the designated list would be where they would go to find such a person. You have made excellent suggestions.

Mr. Chairman: Would you like to make a wrapup comment?

Mrs. Parker: Very briefly. In our presentation we have attempted to make you aware of the many attendant problems—

Mr. Chairman: Apparently I missed Dr. Allen.

Mrs. Parker: Would you like me to stop for a moment?

Mr. Chairman: Yes.

Mr. Allen: I did have my hand up three times. I thought you had caught my waving, but I guess you did not.

I am very impressed with the brief. There are a lot of very precise proposals and recommendations. As somebody who has taught both in a small school and taught three grades in one, I recognize the point you are making about small schools and their value and the problems of three grades in one. Several of us in the committee who have had a bit of experience in education have our eye on that problem.

With respect to the small community school, as you will notice in our discussion, we have had some runthrough on the problem of single-school communities. We wondered whether you had

any fairly precise criteria of numbers of students, ranges of programs and so on that are the critical minimum for viability and vitality which would help us recognize that problem more concretely. Do you have or could you construct such from your perspective?

Mrs. Parker: This relates to personal experience. When there is a small school, and you are talking about school closures and the viability factors, if it is a viability factor that is caused by redundancy, not by the extension of the funding, then the policy is in place, which most school boards have, for school closures.

In essence, we are saying that because this is an outside influence brought on by government decision, rather than natural redundancy, that very serious consideration should be given to keeping these school open, even if they fall below what is seen as the viability factor for keeping small schools going. That is where we see this need for extra money to keep open the small community school.

They are two different things. One is a natural process; there are policies in place to deal with school closures. This is a process that is brought on by government decision; therefore, government must accept some responsibility for maintaining the school that otherwise would probably have stayed open.

Mr. Allen: You are proposing a move beyond the criteria currently used by the planning and implementation commission in that regard.

Mrs. Parker: Yes.

Mr. Allen: With regard to the boards which have system-wide seniority arrangements, and you said there were 17 in the province, are you asking us to place a legislative interference in that process in those boards so there cannot be any bumping downwards from the secondary to the elementary panel to avoid the displacement of elementary teachers as a result of the direct consequences of funding extension? I was not quite sure whether you were moving in terms of any recommendation in that regard.

Dr. Henderson: If the proposal we are making for the elementary schools, that no elementary teacher would be displaced as a result of this action, were adopted, then the question would be answered without any interference in collective agreements or however the system happens to be in place. That was used as an example, not to say we want interference, but to say there are at least 17 areas where we can see that being a problem for elementary schools

unless something is done to protect teachers in elementary schools.

Mr. Allen: Do you have a sense that those 17 boards are going to be high-impact areas as far as the elementary students and elementary schools are concerned?

Dr. Henderson: I do not think we know which ones are going to be high impact.

Mr. Allen: Perhaps we could have a list of those boards, so we could draw our own evaluation of that.

Mr. Chairman: It would be very useful. Mrs. Dewey wanted to respond to your first question.

Mrs. Dewey: I just wanted to indicate that, should the teacher who is at the bottom end of the totem pole be a secondary school person, that person would be a designated transfer for the separate-secondary-school system. We are saying that should that teacher be an elementary teacher who has been displaced because of the extension of separate school funding, that person would be retained in the elementary school system with additional grants from the government for that purpose.

Mr. Allen: I understand that point and I think it is a useful one to consider.

With regard to your concern about the shortage of special programs in separate schools, such as technical and business programs, and the demand for them this might set up, I get a sense that the public school sector is moving in two directions.

You are moving in the direction of the danger posed by the lack of them in the separate system, whereas I gather the Association of Large School Boards in Ontario is moving to the view that the separate system ought to be pushed to adopt all those programs to avoid another danger its sees in terms of dumping and the disadvantages posed between the two systems in terms of student catchment and responsibility.

Is this your last thought on the question or are you still puzzling your way through that one?

Dr. Henderson: I think one of the responses we would have to that idea is one would expect that until those programs were mounted, or if the possibility of mounting them within the separate school were uneconomical, the program could be bought through the public school system.

Mr. Allen: That would be an acceptable arrangement as far as you are concerned. Shared services and the sharing of programs would be the preferred approach in that respect.

Dr. Henderson: We speak on that in rather general terms. We are not in the secondary

schools and I hesitate to make too strong a statement on the program end of it for the secondary people.

Mrs. Parker: In our presentation we have attempted to make you aware of the many attendant problems caused by a one-man decision that now seems to be accepted by all three parties as an irreversible decision. We have highlighted many items for your consideration, paying particular attention to issues affecting students and teachers in the public elementary schools and the impact Bill 30 will have on staffing, programs, women seeking positions and promotions, and on the government funding of public education.

We urge you to reconsider seriously the decision to extend full funding to the Roman Catholic separate schools in Ontario.

12 noon

Mr. Chairman: On behalf of the committee, thank you for the time you have spent. The two hours were very well passed by all of us because of the depth of information you have given us. As I have said to other groups, you should not presume anything about committees and governments and what they will do. The important thing is you came here to express your opinions in as strong a fashion as you could.

As somebody who graduated from a small, three-room school process, I may be a good argument against it. I do appreciate the comments on trying to preserve those kinds of schools.

Our next presenter is David Stevenson. This is exhibit 88, which has already been distributed to the members. Mr. Stevenson, try to make yourself settled and comfortable as we make the transition here. It is sometimes noisy but I hope not too disturbing an event for you.

You have had a chance to watch the way we operate. As you have seen, we have a tendency to go overtime here, but that is in the interest of getting a full understanding from people of their positions. If you would take us through your presentation, which I know a number of us have had a chance to read already, in any way that you would like, we will go to questions following that.

DAVID STEVENSON

Mr. Stevenson: My name is David Stevenson and I am a trustee on the Toronto Board of Education representing separate school ratepayers for an area north of the city of Toronto—wards 5, 10 and 11.

I would like to begin by thanking a number of people I have dealt with directly or indirectly over the past few weeks for their interest, concern and advice in the preparation of this brief. First, I wish to commend the minister and his staff for their co-operation and accessibility with regard to my specific concerns; the Ontario Separate School Trustees' Association for their interest and advice, and for providing historical background materials; the administrative staff of this committee for their kind, courteous and efficient manner in dealing with me; and this group, the standing committee on social development, for taking the time to listen and consider this brief.

I want to emphasize from the outset that I am speaking as an individual and not as a representative of any association, group or board. This brief will deal specifically with section 136i, separate school representatives on the public boards of education.

The position of separate school representative or trustee on the public board was established 100 years ago when Sir Oliver Mowat was Premier. He wished to encourage Catholic interest in secondary education and also felt that since Catholics were high school ratepayers, they should be guaranteed some representation on their local public board. The separate school representative, however, was not to take part in any proceedings affecting the public school, grades 1 to 8.

The changes in legislation over the years have broadened the role of separate school representatives to the point where a separate school representative is not excluded from debate or other participation prior to the board vote on any issue from kindergarten to grade 13. This is extended to allow for motions in committee which are not the final act of the board. The reason for this broadening is that, strictly speaking, the only action of the board having legal effect is the final motion. In other words, a matter affecting public schools with some effect on secondary education would fall within the powers of a separate school representative.

In this age when pedagogy is handled on a basis of kindergarten to grade 13, and when any number of board employees work for both levels without thought about elementary or secondary level, there is little a separate school representative cannot do. He or she can certainly serve on all committees of the board even as chair. Several have been elected chair of their respective boards in different areas of the province.

The separate school representative therefore takes as his or her principal duty the provision of quality education to all secondary school students. He or she can also contribute to public elementary decisions to the extent that such action would not be illegal. At the same time, one of his or her continuing obligations is to assure that taxes paid by separate school supporters are not used in any way to support public elementary schools.

In addition to a general indirect interest in elementary students, a separate school representative has an explicit, direct responsibility for trainable retarded children. This is indicated under subsection 55(5) of the Education Act. Separate school representatives are the principal agents to see that trainable retarded Catholic children whose parents opt to leave them under public boards of education are properly provided for. They can also be effective in working out arrangements between boards regarding the best individual placement for trainable retarded children.

At the Toronto board, I am free to debate any issue and am allowed at standing committee level and at board to vote on about 90 per cent of all issues before these committees and that board. I am solely restricted on votes that affect only elementary children, schools or contracts. This is indeed a very small portion of board agendas.

Up to 1969, the position of a separate school representative was an appointment by the coterminous separate school board. With the 1969 municipal election, the separate school representative was elected by separate school ratepayers to represent them on public boards of education.

With regard to education taxes, approximately 40 per cent of all separate school ratepayers' educational tax dollars goes to support the public secondary school system. When the extension of funding is in place, these tax dollars will be diverted to the separate school system. I am pleased to see full funding finally approaching realization. Through the efforts of this committee, I am sure the whole issue of separate school funding will be dealt with in a fair and sensitive manner.

When the finalization of complete funding to the end of grade 13 takes place in September 1987, I can see there will be no further need for separate school representatives on the public boards of education in Ontario. However, I believe the position now slated for dissolution on January 1, 1986, is being prematurely eliminated.

I was greatly encouraged by the discussion of this committee on July 16 concerning section 136i of Bill 30. Mr. Timbrell mentioned the confusion and inconvenience of the November election and obviously I share his concerns. It will be very difficult to orchestrate a campaign for such a limited commitment. However, the logistical complications are secondary on my list of priorities.

My immediate concern rests with the human aspect, the Catholic students and their parents caught between the funding and graduation in 1987. It is my understanding that their tax assessment will be taking a diverted route via the separate school board, but eventually will be appropriated to the public school board.

I would like to point out there are parents who choose to send their children to public schools, just as there will be parents who choose to send their children to separate schools. These students do and will attend their chosen schools as an option. There are, however, Catholic students at present attending public high schools not out of choice but out of necessity.

There are two groups of students in this category. The first group is those Catholic students who had to opt for public high schools for purely financial reasons. There is an inability on their part to pay tuition fees for grades 11, 12 and 13 in the Catholic high schools, which at present average around \$1,000 per year.

The second group is students who, because of the lack of appropriate or necessary programs in the separate school system to meet their specific needs, had to attend public secondary schools. These are the students who require representation by separate school representatives on public boards of education in 1986 and 1987.

Bill 30 provides for the extension of one grade per year. Therefore, it will not affect the graduates of 1987, the students at present entering grade 12. They will remain one year ahead of funding until they complete high school. They cannot return to separate schools because of, among other reasons, money or lack of programs.

Parents, who previously have been assured a voice on the public board, in effect will become disenfranchised on January 1, 1986. The separate school representatives who are elected this fall to represent their views on the public board will no longer be there to represent them four weeks later, on January 1. These parents will not even be able to vote for the trustees who will make decisions concerning their child's education.

I am well aware that the position of separate school representative is technically a representation of assessment and not of students, but that assessment is produced through the efforts of the parents. As I pointed out earlier, the separate school representative is interested in and involved in the public board much more than just as a watchdog of tax money. He is, without a doubt, involved in human issues as well as issues dealing with dollars.

12:10 p.m.

I am not here to suggest an indefinite extension of the position of separate school representative. Rather, it is my intention to recommend a transitional period of co-operation between Catholic ratepayers and the public school board to ensure adequate representation until the children have completed their high school education. This would entail the next two school years, grades 12 and 13, ending the necessity for this position of separate school representative in June 1987.

This would be along the lines of a phasing-out mechanism that Mr. Allen encouraged the minister and ministry to look into on July 16. Further to Mr. Allen's comments of July 16, the point about the impact of past money in the public system from separate school taxpayers is well taken.

There are numerous ongoing programs and there is equipment in all public boards that was set up with the help of tax dollars from separate school ratepayers. One can argue for trusteeship of these programs and this equipment at least until the graduation of the Catholic students in the public system who are about to enter grade 12 this September, and until full funding is reached throughout the system at the end of their grade 13 year in 1987.

For a moment I would like to get back to the logistics of running for the position of a separate school representative on the public board in November. I shall use my own situation as an example and it is not uncommon among others running for the seat of a separate school representative on public boards in Ontario.

The position covers a huge area of the city of Toronto. My constituency consists of separate school supporters in wards 5, 10 and 11, some 598 polls. It is impractical to consider running a proper campaign for election for a four-week period, since elected municipal positions do not take office until December 1, even though elections actually take place on November 12.

The possible appointment of a position of a separate school representative to January 1, 1986, also presents some potential difficulties. It

is my understanding that if Bill 30 is not passed until after January 1, 1986, then the position remains in effect until January 1, 1987. It would end up being a 13-month appointment, which is not the wish of this committee, I am sure.

Also, where a separate school representative has left a position, who would take that position? Would there be an election, an appointment, or would the position remain vacant? If there was an election, the previous points about impracticality still stand. If there was an appointment, who would do the appointing? If it was left vacant, Catholic ratepayers and students would be left without proper representation.

Therefore, there must be some length of term and a decision about this matter must be made by this committee as soon as possible. There are approximately 200 positions as separate school representatives on public boards in Ontario. Although not all positions will end with the present projected date of January 1, 1986, a large percentage of them will, if the present wording of section 136i remains intact.

The difficulties of finding possible solutions to section 136 and a number of other sections of Bill 30 make the work of this committee not only complicated but also of extreme importance to many individuals in this province. To this point, I have been most impressed by all involved, from the minister and his staff to the many individuals at the ministry and to the social development committee for the open and most sensitive approach they have all demonstrated. All are interested in and appear to be trying to achieve fair and equitable solutions to some complex and perplexing problems.

I would like again to thank this committee for allowing me to make this presentation and for listening so attentively this afternoon.

Mr. Chairman: I apologize for it being the afternoon rather than the morning again, Mr. Stevenson. Thank you very much for concentrating on an issue which, as you have already noted, the committee members have raised. Although we have not come up with any specific solutions, you have offered us one. I think members will probably have some questions about it. I see Mr. Allen has a question.

Mr. Allen: There is really no question. I would just say it is a very impressive brief, spending so much detail on this specific issue which has troubled us considerably. I personally endorse the recommendation, as I have in the past, for a phasing-out mechanism that would satisfy the needs for all concerned. I simply want to say I personally want to keep pressing that

option in this committee; I hope other members will too.

Mr. Chairman: Are there other members who have questions about the specific recommendation? Does the minister have any difficulty with that suggestion as a possibility? No? It sounds as if you have hit home with something on which there seems to be a consensus on the committee. Our consensus has got us into problems in the past just in terms of all the agreement on this particular issue.

Mr. Timbrell: I do not want my silence to imply I agree with the extension. I am not at all sure I do. I was one of the ones who highlighted the problem. I have not quite made up my own mind about how to resolve it, although I tend to favour the notion that representation must follow taxation. If there is no taxation, there is no representation. That is what we will be debating, I hope before November 12.

Mr. Stevenson: I hope so too.

Mr. Chairman: On that point specifically, if we do not get this thing finished before the municipal election, that will cause us another whole problem of a strange year during which people would have to fill in on very short notice. That is a good point.

Mr. Stevenson: I believe the date for nominations is about three or four weeks prior to that, so it would be October.

Mr. Chairman: I am hoping we will have a policy statement from the ministry on this long before that date, so that anybody who is at present in the position or has been considering running for that position can make a judgement as to what he or she should do. I note on our future agenda that we have a number of people in that position who will be coming forward and who will perhaps make other recommendations. On behalf of the committee, thank you very much for addressing this specifically.

Mr. Davis: I was just going to say that nomination day is October 18. It is not too far away.

Mr. Chairman: No, it is not too far away, especially given our schedule already.

Mr. Davis: I did not want to say that, but you are right.

Mr. Chairman: Something could be done in terms of policy direction long before that. The committee might even take some specific time for it, if such a policy statement were made by the ministry. We do have some people in the next few weeks who are coming before us, so we will

have time to have other input as well. I hope it will be in time for people to make a wise decision about what their electoral future should be.

On behalf of the committee, thank you very much for presenting this very clear and specific recommendation for us to have a look at. I know this will be passed on to the minister at the earliest opportunity.

Mr. Stevenson: Thank you very much for your time.

Mr. Chairman: Because I was not sure of the

time, the next deputant has kindly agreed to come back this afternoon rather than to take our time at this point.

Let us start at two o'clock. It gives members a little time to do some work in their offices. I know it is piling up. We have one additional representation more than we would otherwise have had this afternoon, so it will be a long afternoon.

The committee recessed at 12:19 p.m.

CONTENTS

Wednesday, July 31, 1985

| | |
|---|-------|
| Education Amendment Act, Bill 30, Mr. Conway, recessed | S-513 |
| Recess | S-535 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Davis, W. C. (Scarborough Centre PC)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Offer, S. (Mississauga North L)
 Reycraft, D. R. (Middlesex L)
 Timbrell, D. R. (Don Mills PC)

From the Ministry of Education:

Clifford, J. F., Acting Executive Director, Education Services Division

From the Federation of Women Teachers' Associations of Ontario:

Dewey, C., Second Vice-President
 Henderson, Dr. F., Executive Director
 Milovanovic, J., First Vice-President
 Parker, E., President
 Stevenson, D. M., Private Citizen





No. S-20

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

First Session, 33rd Parliament
Wednesday, July 31, 1985
Afternoon Sitting

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Chairman: Johnston, R. F. (Scarborough West NDP)

Vice-Chairman: Cooke, D. S. (Windsor-Riverside NDP)

Allen, R. (Hamilton West NDP)

Davis, W. C. (Scarborough Centre PC)

Epp, H. A. (Waterloo North L)

Guindon, L. B. (Cornwall PC)

Jackson, C. (Burlington South PC)

Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Smith, D. W. (Lambton L)

Timbrell, D. R. (Don Mills PC)

Substitution: Ward, C. C. (Wentworth North L) for Mr. Smith

Clerk: Mellor, L.

Staff: Nigro, A., Research Officer, Legislative Research Service

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 965-2238.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday, July 31, 1985

The committee resumed at 2 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the meeting to order. We have a quorum. I just received some correspondence from the Nipissing Board of Education, which included the brief they submitted this January to the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario suggesting it might be useful reading for members. I presume no one else has this. They sent it to me. It is quite long so we can get one copy made for the use of each caucus.

Mr. Reyecraft: I am sure I received that.

Mr. Chairman: Has anyone else received it? If so, I will not get it duplicated. In the next day or so if others find they have not received it, then I will make copies for those who have not received it.

Mr. Timbrell: Before we start, last week I gave the minister and ministry staff a copy of an advertisement that appeared in a York region paper with respect to hiring support staff for the York Region Roman Catholic Separate School Board. It inferred a requirement of Catholic religion for that support staff. The ministry was going to report back and I have not heard anything.

Mr. Chairman: Mr. Mitchell, do you know where that is?

Mr. W. T. Mitchell: No, I do not but I will check.

Mr. Chairman: Mr. Mitchell will check to find out the status. We will try to have a report by the end of the afternoon as to where that stands at the moment.

Mr. Timbrell: Thank you.

Mr. Chairman: I am glad you reminded me about that. We should probably do a check to see what other requests we put through because we read so many, to see what status they all have.

DALTON MORRISON

Mr. Chairman: Mr. Morrison, you were kind enough to wait until this afternoon because we were running late this morning, but you have seen how we operate and I will encourage you to start off with brief number 92, which has been distributed.

Mr. Morrison: To be dumped, as it were, by Florence Henderson is an honour, not because of sex, but because of talent. She is one of the most talented administrators in Ontario.

Mr. Chairman: We were very impressed.

Mr. Morrison: Although I have spent my whole life in the business of education, I feel some trepidation in taking the time of this busy committee. It is tempting, at least for me, to argue the detail of the proposed Bill 30: clauses about access by pupils, membership on a school board, designation of teaching and other staff, hiring rights, seniority and employment status of employees, the role and function of the planning and implementation commission and so on. I resist, and that may not be a good thing because I understand your charge is to deal with that bill, but I resist because arguments will be made by several teacher, trustee and other groups.

There is a kind of siren lure in the July 4 introductory statements by the Minister of Education (Mr. Conway) and in the proposed preamble of the bill. They seem to be saying there is no problem, let's get on with it. To illustrate, I quote the phrases, "The need to ensure full discussion," "the need to proceed," "our duty to proceed is clear," and "the government will proceed."

This damn the torpedoes, full proceed ahead approach, in which the government has been implementing first and consulting afterward, appears to bear out Parker's law of political statements: the truth of a proposition has nothing to do with its credibility, and vice versa. This may be why a number of submissions suggest this approach adds a blot on the record of the Ontario government's espousal of participatory democracy.

The preliminary statements said: "The Ontario education system can adjust to positive reform." Two illustrations of positive reform are Bill 82 and the Ontario Schools, Intermediate

and Senior Divisions document. Many school boards are still reeling from the reforms in Bill 82 and OSIS, while adjusting to reductions in legislative grants with concomitantly increased budgets, higher local education tax rates, dislocation of pupils and staff and murmurings of ratepayers about fiscal accountability.

The introductory statement also said: "Change has its own dynamic." Does this mean change for the sake of change? I quote: "I was to learn late in life that we tend to meet any new situation by reorganizing; and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency and demoralization." Who said this? Was it said by someone during the pre-election speeches? Not really. It was Petronius Arbiter in 66 BC. Change often generates enthusiasm in the beginning, followed by disillusionment, bewilderment, despair, panic, search for the guilty, punishment of the innocent and reward for the undeserving.

A quote from that day: "The separate and public school systems each have a distinct mission." I do not think the minister wrote that and I do not think Duncan Green wrote it but I will not tell you why. There is but one mission: to try to equip each student with the basic skills and attitudes which will enable him or her to tackle with confidence the long series of learning and relearning situations that he or she must cope with throughout his or her life.

Another quote from those proceedings was about, "the need to protect the viability of the public secondary school system." Being viable, which means likely to live, merely says that where there is life there is hope. The government cannot guarantee that the current level of programs and services provided by a public school system will not be eroded. I do not have to tell this committee what has happened to the percentage of grants with regard to total school board budgets.

I also do not have to tell you the government of Ontario does not have a bottomless well of money. The competing budgetary requirements of the various ministries, particularly in an age of childless taxpayers who may overlook or discount the proposition that the province's greatest investment ought to be in the education of its young, make it possible for education needs to be downgraded by needs in health and social services, the environment, safety, transportation, recreation and so on.

The preamble to the proposed Bill 30, using a broad brush of whereases, tries to paint a plausible composite, the parts of which may not

stand the glare of scrutiny. For example, the first three whereases are quite sweeping. Powers given, extended, withdrawn or inferred since 1867 were not there in 1867. If one looks at 1901 it is unclear that the so-called 1899 provisions are there, and 1899 is a date in the preamble.

2:10 p.m.

Any claim that one time rural services, such as grade 5 and continuation programs in elementary schools, mean the same as today's secondary grades 9 and 10, is open to question. After his search for the intent of provisions prior to and following 1867, Dr. C. E. Phillips, an acknowledged expert in the history of education, concluded that the matter of separate school funding is "logically insoluble."

The whereas that "today a basic education requires a secondary as well as an elementary education" is but a philosophical statement. A basic education, depending on whose basics one accepts, can just as easily be said to require a college or other post-secondary component. To argue then that Roman Catholics ought to expect, in the spirit of section 93, the right to public funds for secondary or even post-secondary education is therefore open to question.

The "just and proper" whereas, and I assume you have all these whereases somewhere, is even more sweeping because it strikes to the heart of the funding issue. If one recalls the long struggle for power in which control moved from the king to the nobles to the church to the people and Parliament, one remembers the admonishments of the major church hierarchies to work hard, stay humble, follow our infallible credo, dogma and rules or be penalized.

The committee has already heard and will hear again the contention that it is both unjust and improper for public tax revenues to be directed into a church-dominated educational system.

Another whereas, "whereas the foregoing facts were affirmed," begs the question of their being facts. If the former Premier is to be blamed or credited, and he is one or the other in that whereas, for his June 12, 1984 affirmation, let the same Premier be credited or blamed for other affirmations, one of which said, and I guess you have heard it so many times you almost know it by heart: "From the outset, as the secondary schools grew to become an integral part of the public school system, they have been determinedly and deliberately nondenominational and nonsectarian...However much the question is argued, the conclusion is inevitably based on the general merit and value of a single, universally accessible publicly supported secondary school

system, and it is this fundamental conclusion the government finds itself compelled to restate and reaffirm."

During the debate and during these hearings terms such as creed, ethos, dogma, lifestyle, beliefs and values have been used in arguments supporting separate school funding. As a matter of fact, they have been used in arguments against supporting separate school funding. On the day the proposed Bill 30 was introduced, one of the ministers noted that in Ontario's multicultural society there are many ways people look at life, at their aspirations for their children and at values. To be sure, but values and dogma are not synonymous.

This committee knows that in many schools there are pupils whose backgrounds represent over 50 countries of origin and many races, religions and creeds. There are basic non-negotiable values fundamental to the pluralistic fabric of Canadian culture: the sanctity of life, the moral imperative to love your neighbour as yourself, equality of opportunity, the right of an education.

History, literature and other programs are replete with stories of people who practise the golden rule, feed the hungry, minister to the needy and heal the sick. Pupils ought to look to models of service above self, including sectarian figures such as the priest in one of the Hitler camps who traded places with a prisoner scheduled to die or the Mennonites who moved so unassumingly to help the tornado victims. Values, at least to me, are universal and belong in every school's program.

Notions such as original sin, carnal and venial sin, predestination and absolutism are associated with creed or dogma. The notion of Jesus as intercessor between man and God squares with some Christian faiths but not with Hebrew faith. For Roman Catholics, the role of intercessor is the priest. Creed and dogma, at least for me, are specific to religion or sect and do not belong in a program of a publicly funded school.

Is the funding issue an educational matter, a social matter, a legal matter or a political matter? If it is simply a political matter, having these sessions is quite unnecessary and the submissions become as wind without rain.

This submission is saying—and I guess that is just about the crux of what it is saying—that the Minister of Education, in other preliminary statements in the House dated July 4, 1985, which I have not used because I cannot quote them correctly, and especially in the proposed bill's preamble, does not convince this presenter

the government justifies the course it seems to be on.

Mr. Chairman: You might not have got past the preamble, but you touched on a number of the major philosophical issues.

Mr. Reycraft: At the beginning, it mentions that the speaker has spent a lifetime in the business of education. I wonder if he could elaborate on that somewhat for us so we could be aware of his background?

Mr. Morrison: I take it as a compliment that you do not really know who I am.

Mr. Reycraft: I apologize.

Mr. Morrison: Not at all. I do take it as a compliment because rather than being out dancing among the daffodils in order to get known, I stayed on the farm tending to the spring ploughing; in other words, doing the job that was my responsibility.

If you want to know the 90 factor, I am 109. If you want service, there was 45 years and four months and I still quit before 65. I have been a teacher, a principal, a chief executive officer, and more recently a trustee. So that is how I have spent my life in the business of education. Was it work or play? I guess it depends on the attitude with which you approach your job.

Mr. Timbrell: I think Mr. Morrison is too modest to tell you about his background. In answer to the question, I am very familiar with it. He was the director of education for 27 years; first in the township and then the borough of East York. I am very proud of the fact there is a junior high school in my constituency named after him.

I remember very well the night of his official retirement party when students and staff from what was probably most of his 45 years in education came to pay tribute to him as a person and for what he had done for education in East York. Now he is on the Scarborough Board of Education.

Mr. Morrison: Does that mean what he says is accurate or not open to question? No, it does not. Do his 27 years as chief executive officer, which was the longest in Canada so far, mean that he really had 27 years or was it one year 27 times? That is always debatable.

Mr. Chairman: A clever way of making your point again.

2:20 p.m.

Mr. Allen: The questions one would ask obviously derive very heavily from the quality of the presentation and the thought that has gone into it. Any further questions I would ask would

beg long answers and long responses. I like the interchange and I would like to have the opportunity to do that with you some time. I do not think at the moment those questions are susceptible to quick and easy answers. Most of yours are very solid and pithy ones. I just want to thank you for giving us your reflections.

Mr. Morrison: I do not mind taking a run at "lifestyle." I do not know whether it is an answer, but for me "lifestyle" says, would I put my life in his or her hands? In my own life, I could name some people for whom this is so: a Methodist moderator of the United Church, a cardinal who served among the lepers, an evangelical fundamentalist—but not the ones challenging the American government—an East Indian neighbour, an atheist colleague, a Greek Orthodox, an Anglican assistant deputy minister, several former pupils, one of whom was a surgeon and operated on me.

For me, the common denominator is not a sectarian or creed lifestyle. It is a lifestyle that embraces the term "character or moral development," not exclusive to any specific religion nor all-inclusive by any one.

I have recently been reading over again another in whose hands I would put my life, Keiller MacKay. I just re-read this report. It was put on a shelf in 1969; I guess because no one knew what to do with his report. I have lived through the experience of having to prepare reports and having to read them. The boss, the minister, the Premier, the chairman, the superintendent, or whoever, says: "I have a line I would like to follow. Write me a report that supports this line."

I hope all you young men will insist that, from time to time, you take the gloves off, even if it is in the back room, in order that the one who wrote the report may have an opportunity of defending it, based on some kind of experience, and then taking it apart piece by piece. So it is not necessarily a party line; it is a people line or it is a child line, or it is whatever the line of attack you take.

Mr. Chairman: Thank you. One of your former colleagues would like to ask you a question.

Mr. Davis: I always approach asking Mr. Morrison in fear and trepidation.

Mr. Morrison: He is a tough questioner, this one.

Mr. Davis: Mr. Morrison, not only did you contribute 27 years to education but you continue

to do so as an outspoken trustee on the Scarborough Board of Education.

I do not expect you to answer this question today but I would certainly appreciate it if you would take the time. If the rest of my colleagues would like you to, I would certainly like you to try to wrestle with the role and the function of the planning and implementation commission as you would like to see it, based on the experience you had as an educator, and see how it can be defined and used in this process so that both aspects of education are protected in our province, primarily the students and their concerns. If you would undertake that in this month of August you have off as a trustee, I would appreciate that.

Mr. Chairman: If you have any remarks in the next little while as openers, I would be pleased to hear them; we have a few more minutes.

Mr. Morrison: I have not given sufficient thought to it and I guess that preamble will destroy anything I have to say about it. As a kind of gut feeling, and you have already been challenged on this before, I would think it dangerous, in Ontario at least, to give over to any kind of tribunal, commission, or what have you, the responsibilities that are really yours. If they are going to be taken anywhere beyond the members themselves, then they might most legitimately, for me at least, belong to the Ministry of Education staff who have a responsibility to one of you, and, in turn, you have a responsibility to the Legislature.

Not only would I not give the planning and implementation commission more power, but I would also take considerable of it away. The two commissions differ so widely. One commission was invited to study and report. For my money, in hindsight, the planning and implementation commission should have been invited to study and report. That is an initial flaw.

In the heat of the moment, you as an executive or as a Legislature might assign a responsibility to a commission or a tribunal, but I consider those assignments fairly dangerous. They should be so specialized that they cannot take the time of the Legislature itself or a committee of the Legislature.

You as a social development committee could co-opt specialists in whatever field you need without having such a tribunal or commission off doing the dancing among the daffodils—to use my former analogy—while you are tending to the spring ploughing. I do not mean to denigrate. Even given the time and talent, which I do not question, it is essentially wrong in the Ontario

way of operation. It may be satisfactory in some other part of the world I do not know about. A professor of history would know more about that.

Mr. Chairman: Thank you for your initial comments. If you would like to amplify that further, I am sure members would be pleased to receive something from you, if you want to give of your time. It is one of the philosophical points of view put forward already, which we will hear more about in the next number of weeks.

Mr. Morrison: I was wrestling with what to say or whether to say anything because of my respect for the time you have and the awesome responsibility you have.

I concluded in my mind that a child does not have a uniform code of morals but varies his opinions to suit the situations in which he finds himself. He has a home code, a school code, a church code, a playground code, and so on. Sometimes he has to adapt a code to fit the situation in which he finds himself. Adults, of all religious persuasions, have a work code, a home code, a with-the-boys code, a convention code, a completing-one's-income-tax-form code, and so on.

Mr. Chairman: Probably the most suspect of all.

2:30 p.m.

Mr. Morrison: When you hang on and quote Laurier, whom I respect, in his particular scene of operation, the awesome responsibility—and that was also in the preliminary statements on the bill—I do not know why Laurier had to say, "I will make the best judgement I can make in the situation without regard to being a Protestant or a Roman Catholic," and then talk about conscience. Conscience is not a universal law. There is no universal conscience.

Your conscience is a result of all of the experiences you have had in life in drawing up a kind of code of behaviour. You may say, in all good conscience, "Let us do this." But your next-door neighbour may say, in all bad conscience, "Let us do this." From the point of view of conscience, each is legitimate. So let us not hang on—and then they have hung it on the former Premier, "In all good conscience," or whatever it was, as though that, in itself, was a reason for going ahead with what you are doing.

You did not ask me what I would do and I hope you do not, but since you have not, I really believe the preliminary statements next time around ought to be rewritten. There is no doubt at all in my mind that the preamble ought to be written from the first word to the last, and you

should not hang the rationale for the goal you have on the preliminary statements or on the preamble. It would be much better to say, "This has authority in law."

I will use an illustration for you. On a street where I once lived, they decided they wanted to build a United church. Some of my neighbours, who were on the board of that church, came around trying to convince us of the rightness of this course of action. I said to one neighbour, who was past president of my Rotary Club:

"Keith, I do not want to be convinced that you ought to build this church on our street. First of all, you ought to be building it on one of the main streets as a service in the community. I do not want it mixed up in the community any more than I would particularly want a school next door to my house. Do you own the land? Yes or no. Do you violate any of the bylaws of the community? Yes or no. Are there any other exigencies that you have not solved? Yes or no. In that case, do not try to convince me that you ought to build a church; just build it."

That is all I am saying about the preliminary statements and the preamble. Do not rationalize it to me with the language. It does not sell me. That is my submission, sir.

Mr. Chairman: Thank you very much, Mr. Morrison. We have received words of wisdom from very young people and from people who have a great deal of experience, such as yourself. It has been very helpful to the committee. This was a half hour very well spent and I am glad you took the time to spend it with us.

Mr. Morrison: Thank you for your time.

REV. WILLIAM AND MARY MORRIS

Mr. Chairman: Rev. William Morris is our next deputant. The package of information members have before them is number 93. I gather Mrs. Morris is along with you.

Rev. Morris, you have probably seen how we operate. You make your presentation and then we have questions. We have allotted a half hour. I am not sure if you can do justice to your 12-page report, which I have read already, by reading it fully through, but however you would like to proceed is up to you.

Mr. Morris: Mr. Chairman, members of the committee, ladies and gentlemen, and members of the news media: we are most appreciative, proud and delighted to have the privilege and honour of placing before you on this lovely summer day reasons why Bill 30 on funding discriminating, segregating, intimidating separate schools ought to be withdrawn and replaced

by one that would strengthen the public school that is free and equal for all, regardless of race, colour, creed, or disability, and would give our children and youth an education second to none, enabling them to leave school with confidence knowing the world was waiting to employ such wonderful persons educated, trained and skilled as never before.

Thank you for your important concern and presence here today. We shall convince you what is the only road we can take on this most important issue ever to be faced by our province and how to lead us out of darkness, fear, despair and into the glorious light of a new day of openness, fairness and justice, equality and dignity, hope and joy for all our wonderful people in Ontario. Jesus said: "And ye shall know the truth, and the truth shall make you free."

In Denmark, 12 families can have a school funded by the state. A public school friend of ours visited a school there on the third floor of a factory. There was no fire escape, no outdoor recess, utterly appalling conditions, and the children were three or four grades behind Ontario.

Now we shall demolish the excuses why the public should be forced to pay for private, discriminating, segregating, élitist schools. First, a brief look at history—much of which has been washed out of our history books.

Since the beginning of time, man has aspired to structures of hope against despair, but has continually been defeated by the Cain in us that refuses to accept responsibility for his brother. About 1,500 years ago, ruling Christians denied the common man the right to read the Bible for himself. The invention of the printing press, combined with courageous men like Wycliffe and Latimer, Hass and Luther, Calvin and Knox, along with the martyrdom of millions of ordinary Christians, including 50,000 French Huguenots, broke the fetters of the centuries and allowed the common people in western Christianity a measure of freedom, equality, dignity and greater justice.

During the Middle Ages that some call good and others bad, nine million women were burned at the stake as witches. This eternal struggle between freedom and tyranny, light and darkness, good and evil has parallels in all civilizations, cultures and religions.

After the Reformation, the official Anglican Church in Ireland attempted to establish Anglican schools for the Irish nation. This failed. Catholic priests and assistants taught Catholic

children clandestinely in hedge schools, and if caught were hanged.

Upper Canadian Catholic history begins in 1804 with the arrival of Reverend Alexander Macdonell. He saw no inconsistency in defending Catholicism and British interests at the same time when Catholics were not admitted into full citizenship in the British Empire. During the French Revolutionary War, he helped organize a regiment composed of unemployed Scottish Highlanders started in Glasgow. In 1798, he accompanied the troops as chaplain when they helped to crush the Irish rebellion. He defended the British cause during the war of 1812 and the rebellion of 1837, and defended the government against the upstart Republicans, much to the annoyance of the Irish Catholic Liberal reformers.

At the time, each denomination, except the Church of England, educated its own children at its own expense. Macdonell fought courageously and well for his veterans. They were discontent because they did not profess the established religion of England, that received all the state benefits. They had shed their blood in the defence of their country, and added lustre to the British renown by their acknowledged gallantry in every part of the globe. The Church of England ruled the roost.

Macdonell allied himself with the Irish reformers and the Protestant dissenters, Methodists, Presbyterians and Baptists in opposing the establishment of an exclusive Church of England university under Bishop Strachan. He promised the government loyal subjects and, in return, asked for financial support, which he received.

He was not alone in threatening the government with dangers of disloyalty from a discontented religious group. The Church of Scotland in New Brunswick warned of favouritism to the Church of England and of political dissatisfaction coming up from the United States.

In 1832, Macdonell received 700 pounds, one fourth of which went to pay school masters, even though Roman Catholic children had the same means as those of any other denomination of availing themselves of the education provided by the province, which was very good, as there was no interference with the principles of their religion at the public schools.

2:40 p.m.

The Constitution Act of 1891 authorized the crown to reserve one seventh of the government lands in Canada for the support and maintenance of the Protestant clergy, that is the state church of

England. The reserve funds were turned over to the municipalities in 1854.

As early as 1830, 150 years ago—I hope Mr. Allen will pay attention to this—reformers annoyed with educational privileges granted to the Church of England petitioned there be established a system of education under the control of the provincial Legislature with schools and colleges in which there should be no preference of sectarian tenets or interests and whose portals and honours would be equally accessible to meritorious industry of every creed. Think of their vision and courage 155 years ago. Do we still reject this more loving way, Mr. Allen?

The government of the newly united Canadas in 1841 took up the educational problem in earnest in its act "to make further provision for the establishment and maintenance of the common schools throughout the province." The measure was introduced in 1841 with much debate over the use of the Protestant Bible, insisted upon mainly by Bishop Strachan of the Church of England. Many reformers, Protestants and Catholics, wanted a secular system free of any religious discrimination whatever.

On August 24, 1841, Honourable William Morris said, "Because the Protestants insist on the Protestant Bible, the two groups have to be educated separately." In December 1843, a new act was passed applying to Upper Canada alone for the establishment and maintenance of common schools in Upper Canada. "No child should be required to read or study in or from any religious book or join any exercise of devotion or religion which will be objected to by his or her parents or guardians." This was a giant step on the road to religious freedom.

Ryerson disliked the notion of separate schools, opposed their extension and would have liked to see them die out, but he gave them full benefit of the letter of the law. In March 1849, Ryerson explained separate schools were not intended to be on a par with the remainder of the school system.

John Sandfield Macdonald, who was the first Premier of Ontario, at first opposed separate schools, although a Roman Catholic, fearing they would destroy the common school. However, his reform ministry sponsored the final separate school bill, R.W. Scott's famous 1863 act, which extended the facilities for establishing separate schools. It is the Scott bill that is the basis of today's separate schools since the British North America Act, in guaranteeing minority educational rights, made permanent all the advantages granted to separate school supporters

in this measure. They were all afraid of the United States. No one brought this matter up. They just put the rubber stamp on it.

The reform government sponsored the Scott bill but some reformers—that is the Liberals and New Democrats—rejected it and the bill received the backing instead of a large portion of the Orange-supported Conservative Party. John Hillyard Cameron, Grand Master of the Orange Lodge, who had been elected in Peel by a union of Catholics and Orangemen—imagine that—supported the bill because he wished to see the Church of England have the same separate school privileges as the Catholics. He, along with others including Ryerson, looked upon this as the final settlement that would put an end to one of the most dangerous agitations that had ever troubled the country.

The bill passed third reading and it was voted on. Ontario never voted for separate schools. It was carried by French Canadian Catholics in Lower Canada. Soon after the final Scott act, another separate school agitation swept the country.

Ryerson said, "I affirm, therefore, that the passage of the Separate School Act of 1863 was an honourable compact between two parties concerned for the final settlement of that question; and the renewed agitation for it in less than two years is not only a violation of that compact, but a warning to the people of Upper Canada that if they are compelled again to legislate on the subject, their peace and the safety of their institutions will require them to sweep the last vestiges of the separate-school law from their statute books, and place all religious persuasions in the same relation of equality to their schools as exist in the New England states and the neighbouring state of New York."

The meanness and smallness of the past need not bind us to differences today. We need not cry too long over the lost windows of opportunity in 1841 when Catholics were willing to have a public school for all if Bishop Strachan had not insisted on the Protestant Bible.

The Liberals now say the startup cost is \$80 million for the first year and \$360 million by 1988. In the light of drastic cuts in education and social services and the fact that 400,000 children are hungry in Ontario and millions die in Africa, this is obscene, immoral, un-Christian and must not be done.

The most important reason for stopping this absurdity, aside from its utter extravagance, is that to force public taxpayers to pay for a religion in which they do not believe is sinful, tyrannical

and destroys religious freedom, the keystone of all freedoms.

Parliamentarians who are guilty of such encroachment exceed the commission from which they derive their authority and are tyrants. People who submit to it are governed by laws made neither by themselves nor any authority derived from them and are slaves.

Our Charter of Rights guarantees full religious freedom as a natural, inalienable right and is designed to protect us against just such abuses. More and more people are beginning to realize the horrors resulting from entanglements between church and state and are beginning to speak up. To remain silent is to consent to one's own slavery.

What is the use of all this fine talk about sharing and co-operation if what we are doing is fine-tuning our own enslavement, our own destruction, doing away with religious freedom, wrecking the public schools and happy community relations? We are urged to have goodwill, understanding, positive discussions and to share information. Why negotiate the implementation of our own slavery and the destruction of public schools? Public moneys are for public purposes only, not private privilege.

Cliff Goodman of Burlington wrote in the *Toronto Star*: "Public money should be spent to teach our children what they share as human beings and as Canadians, not how they differ from their neighbours. It should be used to bring our young people together to test their ideas in common discussion, not to segregate them in righteous isolation. We should make sure that any step we take is a step in the direction of using public money to unite and not to divide."

We do not want Ontario to become a new Northern Ireland, where young people grow in two solitudes that breed fear, hatred, bitterness and despair, which lead to frustration, violence, terror and death, as in Beirut or South Africa. We must break out into the bright sunlight of freedom and justice, equality and dignity for all.

It is with terrible shock, dismay and profound sadness we see Ontario public schools, one of the finest systems in the history of the world, about to be destroyed, betrayed by former Premier Davis, who had been our hero, fighting so valiantly and winning so magnificently in 1971 for great, high principles. It is utterly appalling.

Archbishop Garnsworthy was right when he compared Bill Davis's actions to those of Adolf Hitler and fascism. It is shocking to realize the similarity. However, nobody expected Mr. Davis to do it and Hitler did not have a Cardinal

Carter standing in the wings, threatening to oppose him from every pulpit in every Catholic church in Ontario if he reneged on this secret deal. It is tragic that after all these years of honoured service, Bill Davis sold us down the river, betrayed his high and noble principles and has gone out in disgrace. If Davis's actions can be compared to Hitler's, what of Cardinal Carter's?

Greed has at last caught up with the separate school system. Many people, including Catholics, are beginning to realize how we have been bamboozled. The member for Carleton-Grenville (Mr. Sterling) calls it a "serious blunder" and Gordon Doctorow of the New Democratic Party says an overwhelming majority of caucus members are opposed to the speedy extrusion of funds.

It is positively sinful that the NDP has betrayed its sacred trust to be on the side of the poor and oppressed and to support progressive programs that benefit all citizens, and instead is to be found supporting a reactionary policy that will bring a new, dark future for Ontario. It betrayed its honoured heritage in the persons of Woodsworth and Douglas, as well as its high principles, and ignored the advice of its own provincial research team and opted for political patronage like Machiavelli.

The NDP phoned us to say its policy was made by the caucus and sent us a copy of a research paper which says in one place, "The choice is between whether the cost of Catholic pupils' education is to be met by additional grants to public high schools or new grants to Catholic high schools. The same amount of public moneys will be spent one way or another."

This is the type of nonsense upon which the NDP has based its policy and upon which it will meet its Waterloo. There is not one word about defending religious freedom.

It is no wonder the NDP has been pressing to do the thing quickly, under the leadership of the member for Hamilton West (Mr. Allen). We want to give the NDP its due, however, in that we note it opposes funding private schools, as if Catholic schools were not private. It tries to save its political hide by saying it is for full access for all students; that is, no discrimination. This is just grandstanding because everyone knows full access would destroy Catholic schools and they cannot accept it.

2:50 p.m.

The Liberal Party also has sold out its roots in the Reform Party, especially the Clear Grits who had adamantly opposed separate school financ-

ing by public taxes and voted against it in 1863, and who believed in the separation of church and state and religious freedom. Are our political parties more concerned about furthering the Roman Catholic religion than furthering justice and equality for all, special privileges for none and religious freedom; or are they just interested in political power?

It seems to me the gospel of Jesus Christ and his wonderful love has been pushed aside for raw power at any price.

How much money can we squeeze out of the taxpayers without them going bankrupt? We have battered wives and battered children, delinquency and all kinds of problems. What for? Because of lack of social compassion and caring services and a bleak job future, young people are committing suicide.

One powerful authoritarian segment of the Christian church demands enormous amounts of taxpayers' money to subsidize its private religion that discriminates, segregates and intimidates while its bishops want justice in South Africa.

We, the taxpayers, will pay for all this scandalous duplication of transportation and new facilities. It is horrific. We have already cut off educational grants to save money—about 20 per cent over the last few years. Of course the wealthy can pick up the slack, but what about the poor? We must raise the grants, not cut them, because education is our ticket for tomorrow if there is any tomorrow. Research and development is starved in this country, but we apparently have lots of money to give the separate school system to further the Roman Catholic religion.

Rose Ehrenworth of Toronto wrote in the *Globe and Mail* on July 22, 1985: "Where is the love? I was shocked and distressed by the article, 'Jewish Family Sparks Debate about a Child Taught RC Views,' about eight-year-old Summer Pervin whose father is Jewish. Her parents wanted her educated in French and sent her to the only French school in Windsor, Ontario, which happened to be Catholic.

"During her first year at school, Summer was taught that only baptized Catholics could find their way to heaven and that the Jews killed Jesus. How outrageous that such precepts should be taught in school in the 20th century in a democratic country, in a multicultural, multinational society. Where is the love and humility that the churches are purported to teach?"

Jesus said, "You shall know the truth. You shall know them by their fruits. Do men gather grapes of thorns or figs of thistles?"

You can go on and read about some of my own experiences there. We will jump over to page 7.

This is about the new technique of entering the gates of the golden city. They could not beat them down with political battering-ram tactics, so, realizing that public opinion was the key to power, they launched a very smart public relations campaign that has gone on for the last 14 years—successfully. It is an almost dishonest way, implying that because some of their students pay \$1,000 more tuition, that is unfair, unjust and unequal compared to the public school students who pay no tuition, and putting unbelievable pressure on the politicians.

Some people may say I am real bigot if I raise this, that these people are scrimping and saving to raise this money. I appreciate my critics, but first let me not forget that Catholic boys and girls do have equal access to the free public schools. There is no discrimination, segregation or intimidation and there is a wonderful free spirit for all to grow up together, to appreciate, understand, know, live, love and work together happily; and many Catholics choose the public schools.

The Catholic church could not do this alone; it needs allies. The *Toronto Star* purports to be on the side of the poor and the oppressed, but has been a willing instrument of propaganda which in a sense has effectively brainwashed and helped intimidate many people in this regard. It has slanted its news; even its editorial has editorialized about this.

For example, take the editorial on May 28. It is used again and again as an ad for the Ontario English Catholic Teachers' Association. It is entitled, "A Voice of Reason on Full Funding." It implies that our society is not delivering decent public schooling to every member of the younger generation. This is just simply not true. Our society does deliver the highest quality public education in the world to all Ontario children who want it. If some choose a private system, that is their responsibility, not the Ontario taxpayers'. If they want to learn something about their faith, why should Baptists, Anglicans, Jews, Buddhists, etc., have to pay for it? That is religious persecution, not freedom.

The *Toronto Star* is always running down the public school and boosting the separate school. It is wrong for the *Star* to imply that public taxpayers should pay for separate schools. The general public does understand why it is unjust, unfair and wrong. To call this the voice of reason on fair funding is dishonest; it is neither reasonable nor fair.

So the Catholic church and the Star have been distorting, brainwashing and intimidating for 14 long years. Some people have been influenced; there is no doubt about it. Some have been intimidated into silence; others do not even know the facts. The public school, being a public school, has to fight with one hand tied behind its back while the jackals close in for the kill.

The Star is the greatest sinner of all and would march us all back to the dark ages, caring not a whit for religious freedom, or so it seems. This made it easy for the Liberals and the NDP to garner votes. The battle is really not won or lost on voting day but in the hearts and minds of people.

We ask all people to understand that their religious freedom is in jeopardy, and if they lose that other freedoms will not be far behind. We ask you, distinguished members of the Ontario parliament, to safeguard the Bill of Rights that guarantees religious freedom and not sell our precious heritage down the river.

I lived beside Bergen-Belsen concentration camp after the war. Ontario must not subsidize any religion whatsoever, let alone one that teaches that only baptized Catholics go to heaven and that the Jews killed Jesus. We already have too many Jim Keegstras.

The Star's lopsided coverage lampooned the public school trustees' court challenge based on the religious-freedom clause of the Bill of Rights and said, "They do not further the public interest of getting on with redressing decades of injustice towards separate schools." What a laugh. Since when has unjust, selfish privilege and patronage, paid for by the public, been in the public interest, just or fair? It is more like a cruel, obscene joke.

As slavers quoted the Bible to justify that inequality, so some Catholics quote the Constitution as guaranteeing forever their special privilege, never for the world admitting that, as with slavery, times change. The public school is a nonaligned neutral school—as it ought to be in a multireligious, multicultural society—grinding no religious axe, where all racial and religious groups have equal dignity and respect.

Funding for a special education program that turned many of its students' lives around and saved thousands of taxpayers' dollars has been cut off. Many services and institutions in our society are breaking down from lack of money. Many people are unemployed, despairing and hungry. There are 400,000 hungry children in Ontario today, while Cardinal Carter would force our province to featherbed his private authoritarian religious views in Ontario to the tune of \$80

million in the first year. We no more need two publicly funded school systems than we need two fire departments or a hole in the head.

Where is the big Liberal reform party or the supposedly caring NDP? Running for power.

Public schools give the poor and disadvantaged a chance to break out of the ghetto of poverty. Will we slam the door in their faces and instead give our taxes to breed a new, exclusive, pious, snobbish élite that can be picky, and pander to and foster class distinctions not compatible with democratic ideals upon which our society is based?

Jesus said: "How terrible for you teachers of the law and Pharisees. You lock the door to the kingdom of heaven in people's faces, but you do not go in yourselves nor do you allow in those who are trying to enter." Whose side are you on? Whose side am I on? Lord Acton, the famous Roman Catholic layman, said, "Power corrupts and absolute power corrupts absolutely."

The most effective weapon is the psychological one that mysteriously takes over the psyche of the people, to control public opinion which can give victory. Throughout history, great defence systems have been devised, from the Chinese Wall to the Iron Curtain and the Berlin Wall. Now there is a sort of electric fence so that if anyone dares question the rightness of the Roman Catholic demands for more public taxpayers' money for their private, discriminating, segregating, intimidating school system that exists solely to propagate their religion, he is immediately zapped dead with the dreadful label of "bigot" or "anti-Catholic."

The psychological electric fence has done its work well. Game over. You emerge a leper, ostracized, shunned, intimidated, fearful. All others are warned of a similar fate if they dare utter a peep. People want to be loved and accepted, so the majority get the message that it is easier to remain silent. They even try to put it out of their minds because they really do not want to believe what in fact has occurred. Their silence in the face of this serious offence of supporting religious oppression makes them guilty too. Not only that, but the process denigrates their humanity and denies them the right to participate and share in the most important policy-making decisions of their lives which have to do with their own religious freedom or persecution.

3 p.m.

This takes away their dignity and makes them nobodies in relation to this important issue. The electric fence has effectively created a taboo

around the issue. It protects it. It has become a sacred cow no one can touch.

The former Minister of Education, Keith Norton, who was defeated, thank God, refined the electric fence technique a little further by tagging opponents of the extension of public aid to the Catholic schools as ignorant and intolerant. In other words, if you are stupid enough to dare question the injustice of special privilege to Catholics, you are ignorant. Nobody wants to be labelled ignorant and intolerant, so people keep quiet. Injustice and special privilege are secured by intimidation and zapped by the electric fence.

Now we come to David Rotenberg and his further refinement of the electric fence. After being soundly and justly defeated in the election, he blamed his defeat on Archbishop Garnsworthy and said Lewis Garnsworthy had earned the Ian Paisley award and made it respectable to be anti-Catholic. When your argument is weak and you cannot talk about fairness and justice for all and special privilege to none, when your case is bankrupt, sling mud. Ian Paisley, anti-Catholic; zap, you are dead. The electric fence has silenced the criticism. In this case it has backfired, according to Orland French. It is called reverse bigotry.

Now we come to the member for St. Andrew-St. Patrick (Mr. Grossman) who, running scared, makes loud protestations that he wanted full and complete public input into the extension of funding question, but only into the process, not the principle of full funding. There is no right to discuss, argue, debate or disagree.

If he had his way, I would not be here, would I? Not at all. What arrogance and haughtiness, even for a Caesar. How high and mighty can you get? The servant of the people has now become their master and he, the great Larry Grossman, will tell them what they cannot talk about. Even God does not do that. Perhaps David Rotenberg and Larry Grossman have forgotten the motto of the holocaust. It is "never again." I saw that at Dachau. The Bitburg cemetery experience has taught us to be more sensitive. Do they not realize religious freedom did not produce the holocaust? Take away religious freedom and all other freedoms are in peril.

Are they secretly lined up with other groups chafing at the bit to get to the public trough? It is very sad.

In a sense, we are locked into a situation where the elite are waging intellectual terrorism on the rank and file, which is immoral, unethical and repugnant to the name of Jesus Christ. Bill 30 means great power and privilege to an authoritar-

ian segment of the Christian religion that teaches that only baptized Catholics will go to heaven and Jews killed Jesus. This segment is headed by Cardinal Carter, who intimidated Bill Davis into going through with this secret deal. Every day new evidence piles up.

These debts to Macdonell and the early Catholics have long since been paid. American armies no longer threaten to march. No longer does the Catholic church enjoy the support of the Orange Lodge in Ontario or the French Catholic vote from Lower Canada as it did in 1863 with the Scott Act that is the basis of today's Constitution.

Should the support of the Orange Order in 1863 still be one of the main reasons for funding Ontario separate schools? The Quebec French are trying to change their parochial schools to public ones. What is so sacrosanct about the Constitution guaranteeing this so-called right? It is utter nonsense and everybody knows it.

Some Catholics may even support demands from other religious groups because misery likes company and it would spread the guilt around for the destruction of the public school. Those politicians who support this nonsense may win temporarily, but it will be a Pyrrhic victory creating a society of communities filled with hate and despair.

Is this a vote for Ontario? In a multi-religious, multi-racial society, this is absolutely wrong. If continued it will rip the society apart. Many Catholics are embarrassed and against this. Some Catholic parents are forced to pay their tuition. The public school, however, welcomes them freely with open arms, and no one there is going to suggest they are going to go to hell because they are Catholic.

For us in Ontario to compete successfully, we must all pool our meagre resources to give our children the best educational advantages we can, so they will have some hope of staying alive in this terrifying stage of history. The dreams that unite us today are far greater than the smallness and meanness of the past. Religion and the state must be separate or else religious strife will tear us apart and we perish.

The state must never advance nor hinder religion, but ensure its freedom. When religion controls government, political freedom dies; and when government controls religion, religious freedom perishes. Government must keep its hands off religion and religion must keep its hands off public money.

Now is our window of opportunity to pull together for a wonderful new beginning in our

history. We must seize hold of it now and triumph over the suspicion, fear, hatred and despair and win through to a glorious new day of justice, equality, dignity, hope and joy for every boy and girl in Ontario; and none shall be hungry or afraid.

Our federal government points the finger at South Africa's apartheid and many other places, but what about the intellectual, religious and political oppression now being intensely waged against religious and educational freedom in Ontario that seeks further to enslave our people?

How easy for us to see the hate in the eyes of whites, blacks, yellows and browns thousands of miles away, but not to see the beam in our own eye, zapped by the electric fence—if you know what is good for you, keep your mouth shut; ignorance is bliss, it is folly to be wise.

The vast majority of our citizens want government of the people, by the people and for the people, not government by secret deals for the benefit of a few private, privileged elite.

Here is our plan of action that you can read. We call upon all religious groups, all races and cultures to unite together now to defeat Bill 30. It will cause incalculable harm to our society and many communities if implemented.

We are extremely proud of our public schools and all the groups and individuals who are fighting to keep them the hope of our province. We must correct injustice and inequality before frustration, anger and despair turn to violence and terror. This myth, this slogan, "fair funding for separate schools," is pure hogwash, smoke and mirrors, because Catholic students already have equality in the free public schools.

The time has come to phase out public moneys to fund a private, discriminating, segregating, intimidating, duplicating school system that is destroying public education, which is free and equal for all. There are 400,000 children who are hungry in Ontario and millions die in Africa, and \$360 million is asked to be spent by 1988 to get the thing going.

Individual lives are important, but if imprisoned in structures of inequality, servitude and despair to further an authoritarian Catholic church, with no action taken to end these injustices, then frustration, anger, violence, terror and death will result.

We must break out of this merry-go-round of oppression into the bright sunlight and freedom of equality and dignity for all. We must stand with courage for religious freedom guaranteed by our Charter of Rights. The public school is free and equal for all. With courage, we must stand

against pious, elitist, private, unjust privilege that discriminates, segregates, intimidates and breeds fear, hatred, bitterness and despair.

Religious persecution must be banished from the earth as the chief cause of war and strife. What can we do? There is our winning plan. We must talk to everybody and speak to our members of Parliament. First, no increase of funds to separate schools. Second, repeal offending clauses to the British North America Act and the Charter of Rights. Third, phase out moneys to separate private schools and apply those moneys to the public schools to build them up.

With these tasks accomplished, such benefits will accrue that Ontario will be sitting on top of the world, ready and able to enter into an era of unprecedented progress and achievement that will stagger our imagination and enrich the lives of our people beyond our wildest dreams.

The key is religious freedom, which Ontario will enjoy some day—it might just as well be now as later—and set a wonderful example to the world. We shall win with loving kindness and tender mercies, with truth and with justice that will bring freedom, equality, dignity and joy to all our boys and girls and all our mothers and fathers.

3:10 p.m.

God will help us. Nothing shall defeat us or make us afraid or prevent the final triumph of God's wonderful love over all the powers of darkness, no matter how selfish, sophisticated, brutal, insidious, deceitful or devilish. Who will dare ring down a new dark age of oppression, fear and despair upon our people? Who will slam the door in the face of 400,000 hungry children in Ontario tonight? If this is done, then God help us, for His truth is everlasting and His judgements are sure and righteous altogether.

Long ago Moses set before his people a choice between blessing and curse, life and death, and urged them to choose life. In a sense, God sets the same choice before us today in Ontario and urges us to choose justice and equality, dignity and freedom and liberty for all our people.

Thank you very much. Praise God, God bless us all and shalom. I would be happy to answer any questions. I am sorry to have gone over the time.

Mr. Chairman: Thank you for coming, Reverend Morris, and speaking so passionately about your convictions to the committee. Thank you for your presentation. I am glad you had the right to come and the privilege to express yourself so strongly.

Mr. Morris: Thank you very much and may God bless you. I hope you will win through. It is not easy.

Mr. Chairman: Our next presenter is Ms. Lois Bedard. Ms. Bedard does not have a written presentation, so you will not find it in your kits. Your eyes will be rested and you will only have to listen.

I have to leave, so I will ask Mr. Cooke to replace me. I will make sure I read the transcript of what you say because I do not think I will be back by the time you finish.

LOIS BEDARD

Ms. Bedard: Bill 30, An Act to amend the Education Act, which provides legislative recognition of and funding for secondary education in Roman Catholic separate schools, should be withdrawn. Bill 30 is without legal support. The authority for my opinion is the legal opinion rendered by J. J. Robinette, QC, to the Metropolitan Toronto School Board. He said:

"It is my view from consideration of the situation in Upper Canada prior to 1867, as outlined in the judgements in the Tiny township case, that any rights or privileges of the supporters of Roman Catholic separate schools were confined to elementary schools and that with respect to elementary separate schools, their supporters had the right to have their school taxes diverted to the support of the separate schools and to a portion of the grants made by the central government in aid of schools. It follows that those are the only rights and privileges guaranteed by section 93 of the Constitution Act and by section 29 of the charter.

"It is, therefore, my view that the funding of Roman Catholic separate schools up to grades 9 and 10 went beyond the guaranteed rights and privileges of the Roman Catholic separate schools but, of course, this was done prior to the coming into force of section 15 of the Charter of Rights and Freedoms. When section 15 of the Charter of Rights and Freedoms comes into force on April 17, 1985,"—and it is now enacted—"the government funding of grades 9 and 10 would constitute discrimination in favour of the Roman Catholic school supporters based on their religion and, conversely, it would be a discrimination based on religion against all other taxpayers who contribute to the support of the public elementary and high school system.

"...It is my opinion the proposal of Premier Davis, whichever form it takes, would constitute discrimination based on religion in favour of the Roman Catholic school supporters as against all

other persons who are taxpayers and, therefore, under the charter, his proposal would be invalid by virtue of section 52(1) of the charter which provides that the Constitution of Canada is the supreme law of Canada and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect."

Bill 30 has not been accorded due process by the government. On June 12, 1984, then Premier Davis announced in the Legislature, "It is the government's intention to permit the Roman Catholic school boards to establish a full range of elementary and secondary education and, as part of the public system, to be funded accordingly."

A public policy basic to a nondenominational public secondary school system which has stood in Ontario for generations was struck down, without consultation with those in the public secondary school system, trustees, teachers or the public. This June 12 edict bypassed normal due process.

Examine this chart of information from Ontario Today, published by the Ontario Secondary School Teachers' Federation. We have on the one hand the normal Ontario procedures followed in the development of major public policies and on the other an evaluation of whether they were or were not followed in policy decisions concerning public funding to Catholic high schools.

1. General principle dealt with by the policy and priorities board of cabinet: not followed.

2. Consultation with the government caucus: not followed.

3. Broad consultation with the public: not followed.

4. Considered in depth and detail by the cabinet, with full reasoning outlined in a cabinet submission: not followed.

5. Policy proposal details provided to cabinet, with impact on women, affirmative action, considered: not provided.

6. Degree of urgency: not provided.

7. Reference to established policies, answering the questions: "Why is government action necessary? Who is affected? Who is protected from whom?": not provided.

8. Optional courses of action, with pros and cons: not provided.

9. Priority to be assigned in the light of existing ministry programs: not provided.

10. Comments of Management Board with an indication that all necessary liaison has occurred: not provided.

11. Special attention to Treasury, especially in areas of accounting, budget and economic policy and management of the province's cash flow, debt and financing obligations: not provided.

12. Legislative implications: not provided.

13. Economic and financial impact evaluation indicating the effect of the new policy on the private and public sectors: not provided.

With respect to establishing three commissions and Bill 30, in the absence of even the slightest show of public consultation on the issue, the then Premier immediately set up three commissions. Dr. William T. Newnham was appointed chairperson of the planning and implementation commission. Dr. Ian Macdonald is heading up a commission on the financing of elementary and secondary education. Dr. Bernard Shapiro has become the lone member of a commission to hear briefs on public funding of private schools.

These commissions are to report their findings and recommendations to the Premier in September 1985. Prior to receiving, evaluating, publishing and responding to the commissions' reports, the Liberals presented Bill 30 to the House and it had first reading on July 4, 1985.

3:20 p.m.

Bill 30 has been propped up by orders in council. The Minister of Education has announced that the extension of funding for grade 11 Roman Catholic schools will begin in September 1985; yet Bill 30 has not gone through second and third readings nor received royal assent at this time.

To allay concerns over financial outlays by Roman Catholic school boards whose plans were acceptable to the planning and implementation commission, the Minister of Education assured the public that costs will be covered retroactively by orders in council.

Although I am pleased to be here to present my point of view to the all-party social development committee in the Ontario Legislature on Bill 30, I am unsure of the role of this committee. I believe this committee is less than a committee of Parliament, struck after second reading to review the wording and detailed information supportive to the final draft to be submitted to the Parliament for third reading prior to Royal Assent. Not only were the events leading up to the bill "sins of omission" but also ongoing unusual acts threaten the credibility of this current process—sins of commission.

I would like to introduce myself as a volunteer who chooses to speak for one's own age cohort.

I am a retired secondary school teacher. For eight years, I was head of physical education for women in York Memorial Collegiate Institute, York township, Oak Park Junior High School in East York, and Port Credit Secondary School in Toronto township. For 20-plus years, I was chairman of school counselling services in Peel county at Lorne Park Secondary School and Cawthra Park Secondary School. Over that period of 35 years, I taught mathematics as we moved from the traditional math into the modern math and back to the traditional for grades 9 through 12. I was a professional teacher from 1947 to 1981. Over that interval of time I have worked with students in grades 9 to 13.

In 1938, I left my fellow grade 8 classmates to enter the first co-educational first form, grade 9, at York Memorial Collegiate Institute. I continued my education, but the majority of the other grade 8 pupils terminated their education at the age of 14 in 1938. When I was 16 years old, 1939, I received an intermediate diploma from the Ministry of Education. Society at that time considered 16-year-olds to be adults, so another large portion of my age cohorts left school and went out into the world; not necessarily the world of work, it was sometimes the world of war in 1939.

At the end of grade 12, I earned a junior matriculation diploma and in grade 13 I earned a senior matriculation diploma. In a high school of 1,200 pupils, we had one grade 13 class. Two of my grade 13 classmates went on to university with me. Those two were both men.

In the 1930s and 1940s, the educational system in Ontario that I knew rigorously prepared the children of elementary school for their entry into adult life. Home and school worked together to enculture the pupils, to help them to develop academic skills, to permit them to communicate, interact and to interpret messages of others and to formulate opinions of their own. There is a note of listening in that, is there not?

The sorting out of my fellow classmates at various stages with diplomas demarcated our socioeconomic strata and our potential leadership roles. In grade 9—or form 1—in high school, my class together all studied English, Latin, French, German, history, geography, mathematics, science and physical and health education. My classical education acted both as a transmitter of culture and a dispenser of life chances.

I received this classical education in York township, an area that was so hard hit in the depression that the administration was put into

receivership. The youths of the day trapped the welfare people in the local offices because they were going to change the pokey money to token vouchers to be used only in certain stores. These are some of my experiences.

When I started to teach in 1946 the majority of students I worked with were white Anglo-Saxons from Judaeo-Christian families. By the mid-1950s, when I was teaching, the pupils I taught came from Chile, Peru, the West Indies, India, Pakistan, Africa, the United States and other provinces in Canada. The student population was migrant due to urbanization and the students were travelling with their fathers who were on the move up the executive circuit. I was in the Lorne Park area at that time.

Simultaneous with all these admissions, transfers, terminations and graduations, there were major changes in curriculum options. I can go through them all, although some of them escape me at the moment. You know them all—a whole rhyme of plans. We no sooner started to get the concept enacted when we were into another one.

There were major adjustments in levels of study, streaming and the Ministry of Education diploma requirements for entrance to the 19 new colleges of applied arts and technology or the many new Ontario universities. More students stayed in school longer. Some students dropped in, dropped out and did their own thing. The school year became elongated because the day-school students took night-school courses and summer-school courses regularly. Adults entered day-school classes; students entered into the community for co-operative education. Each student had a personal timetable which she or he was allowed to select with parental acknowledgement.

These innovative changes in secondary schools were all designed to give some relief to the students and to act as a safety valve for the rapidly changing society.

On reforming Ontario secondary school education: in 1985, the Ontario Minister of Education needs to stop innovating and start reforming our existing secondary school education. Some urgent reforms are needed.

First, the Ministry of Education should move to furnish the students of both sexes with equal chances of being selected for and provided with educational opportunities in our multiracial, multilingual society.

Second, it should enable the existing secondary schools to decrease class size and expand hiring in order to have complementary, young, qualified teachers who would redress the ethnic,

lingual and sexual imbalance of our current secondary school staffs in Ontario.

Third, the ministry should ensure continuity of integrated programs by organizing summer-school and night-school credits under the same positions of responsibility and administration that are deemed essential in day-school credit courses. This would open up new administration positions for affirmative action on hiring qualified female teachers.

Fourth, it should enable boards of education to have additional funding so boards could provide universally accessible, noncompulsory day care, adequate to meet the needs of their community and the board's staff and employees. The child care providers should be paid on the same wage scale as the kindergarten and elementary school teachers.

Fifth, it should enable the boards of education to have additional funding in order to access permissive grants to enable them to become equal opportunity employers, and should implement equal pay for work of equal value now for all persons receiving remuneration from the boards of education.

3:30 p.m.

Sixth, the ministry should enable the boards of education to have additional funding to facilitate the hiring of adequate, permanent, qualified secondary supply teachers attached to each secondary school in order to maintain continuity of instruction when the regular subject teacher is on sick leave, parental leave or day release for approved technological update and/or community educational integration.

Cost analysis: I am sorry I do not have a cost analysis to present to you so you may establish the priority to be assigned to these reforms in the light of existing ministry programs; however, I am following the practice of the current Legislature, so you will forgive me this abnormal procedure when you begin to implement these reforms.

It is 1985, the United Nations International Youth Year. The aforementioned reforms attempt to address some real and pressing needs in our secondary schools. If the high-school-aged youths in Ontario were asked what they wanted the Ministry of Education to do with \$360 million in additional funds over the next three years they and the taxpaying public would choose some or all of these reforms over the choice of spending it to establish a Roman Catholic separate school system.

The grade 11, 16-plus-year-old students, and the grade 12, 17-plus-year-old students are adults

before the law. Some of them even vote. A properly prepared referendum offered to Ontario citizens eligible to vote in the November 1985 municipal election could compensate to some extent the lack of due process following the hatching and dispatching of Bill 30.

Support and freedom from institutional interference: in the 19th century Canada adopted some type of universal, tax-supported educational system. Most educational sociologists believe the education of the child in the basic formative years, grades 1 to 8, should be a responsibility of the family and society. In addition, they believe the educational system needs to intervene to a substantive degree to save the youth from too much culturalization from the institutions of the family and the church. Secondary school education should provide an opportunity for youth to gradually assume self-awareness, self-knowledge and self-direction.

The changing new society of Ontario: P. W. Musgrave in *The Sociology of Education* states the transmission of social class from generation to generation is mainly through the family. However, consideration of social change and innovation leads us to the need to provide for change. The educational system has to hand part of the task of socializing youth to an institution other than the family and the church so there is a chance for change that leads to a more universal and new set of values.

John Dewey, particularly in his *Democracy and Education*, argued that if a democracy was to survive, the educational system must teach certain knowledge about the society and its traditions and inculcate certain qualities so the citizens will both wish and be able to participate in the ruling of their country. Education may not be a sufficient condition for democracy, but it certainly is a necessary condition for its survival.

Segregation of women and men in Ontario secondary schools on the basis of Roman Catholic religion hinders the growth of mutual high regard and development of real capability, and leads to low aspiration on the part of many capable citizens.

Distributive justice and discrimination: Judge Rosalie S. Abella, commissioner of the federal Commission of Inquiry on Equality in Employment, states, "If a barrier is affecting certain groups in a disproportionately negative way, it is a signal that practices that lead to this adverse impact may be discriminatory."

She goes on to say, "Rather than approaching discrimination from the perspective of the single perpetrator and the single victim, the systemic

approach acknowledges that by and large the systems and practices we customarily and often unwittingly adopt may have an unjustifiable negative effect on certain groups in society. The effect of the system on the individual or group, rather than its attitudinal sources, govern whether or not a remedy is justified."

Untested and unsupported assumptions of Bill 30: Bill 30 is designed to legitimize public tax support for Roman Catholic secondary schools at a time when only 35.2 per cent of the population, according to our last statistics, are Roman Catholics.

The Ontario political parties are operating on the assumption that each nominal Catholic wishes to financially support the extension of a hierarchical and authoritarian influence of one religious denomination over the identified secondary school Catholic youth who are more than 15 years old in September 1985. What authority or mandate do you have to operate on this assumption?

The Ontario political parties are operating on the assumption that each non-Roman Catholic citizen, 64.8 per cent in the 1981 census, wishes to financially share the meagre funds of the public secondary school, which will require them to dismantle their existing public educational system. What authority or mandate do you have for this assumption?

Ten years that will shape Ontario education, 1985-95: You chose the 10 years, not I. It is my opinion that former Premier Bill Davis was correct when he said on the campaign trail of 1971, "If the government of Ontario were arbitrarily to decide to establish and maintain, out of public funds, a complete educational system determined by denominational and religious considerations, such a decision would fragment the present system beyond repair and do so to the disadvantage of all those who have come to want for their children a public school system free of denominational or sectarian character.

"To embark on such a policy could not be in reason, or justice, limited to some faith and denied to others. Nor could it in logic, be limited to the elementary and secondary school system alone.

"We would invariably be obliged to proceed throughout all our educational institutions to fragment and divide both our young people and our resources from kindergarten through post-secondary university studies."

Recommendations, under three groupings:

The all-party standing committee on social development of the Ontario Legislature should recommend to the Minister of Education and the Legislature that:

A-1. The government of Ontario should withdraw Bill 30 before second reading.

A-2. The government of Ontario should terminate the three commissions upon receipt of their report in the fall of 1985.

A-3. The government of Ontario should notify all concerned that there will be no funding for implementation of the extension of grants to grades 11 and 12 of the Roman Catholic schools after August 3, 1985 by any orders in council. You have made a commitment to them now. You should display some honour.

B. The government of Ontario should encourage the presentation of a referendum to be available at the Ontario municipal elections in November 1985 that would allow each citizen of Ontario to express his or her view regarding: (a) public tax support of religious denominational schools; and (b) public tax support of private schools.

C-1. The government of Ontario should set up a committee to examine the public schools, grades 1 to 13, to determine what processes need to be initiated to free the public school system of any religious bias and to see that the public schools grades 1 to 8 in curriculum and practices are secular education.

C-2. The government of Ontario should establish a committee representative of the current multiracial groups, multicultural groups and others to investigate the ways and means of establishing one unified elementary school board that administers a truly secular system of education from kindergarten up to and through grade 8.

3:40 p.m.

I gave you all the reform recommendations I would like the Minister of Education to consider along with the implementation of Bill 30. I do not know where all the money will be and I do not know whether you know where all the money will be to implement Bill 30. Perhaps you could tell me. I have some questions.

Is the \$350 million guaranteed to implement Bill 30 in the next three years to come from the general revenues of the province, is it to be acquired from a special levy or is it to be taken from the present meagre secondary school budget moneys, from provincial grants?

The Vice-Chairman: We do not have the Treasurer (Mr. Nixon) here so I am not sure that question can be answered, unless someone wants

to take a shot at it. Revenue raised in this province is not decided by this committee.

Ms. Bedard: It is a good question, though, is it not? Has the 64.8 per cent of the non-Roman-Catholic taxpayers in Ontario given you a mandate to spend \$350 million over three years to carry out Bill 30?

The Vice-Chairman: I am not sure how you want to proceed. Do you want to finish your presentation and then we can get into questions from the committee?

Ms. Bedard: I am not sure.

The Vice-Chairman: I would prefer you finish your presentation as quickly as possible, because we have three other groups this afternoon.

Ms. Bedard: Is the \$350 million guaranteed to implement the bill to come from general revenues? Bill 30 is an act to legitimize public funding of Roman Catholic secondary schools. How is the grade 9 and grade 10 provincial levy for Roman Catholic students to be determined in September 1985? I believe it is currently the same as the levy for elementary education. How is the grade 11 provincial levy for Roman Catholic students to be determined in September 1985 if Bill 30 is passed?

I also find it difficult to understand the logic of the 10 months' delay between the time Premier Davis announced on July 12, 1984 that an extension of grants was being brought forward and the introduction and first reading of the bill, along with unseemly haste over the summer months in hearing only the things that will amplify and improve the passage of the bill and not questioning whether the bill has any merit and should be withdrawn or modified.

It is my opinion that the pressing problems for youths in Ontario at age 16, grade 11, and at age 17, grade 12, is not their relationship to Roman Catholic separate schools. It is more likely their concern about peace and war, about technology and unemployment, about jobs and income security, about career planning and future life chances, about pollution in the air, water and soil, and about sexual orientation, sexual activity and reproductive choice. These are pressing problems worthy of committee study, especially in International Youth Year.

As I understand it, approximately 10 per cent of the age cohort of September grade 11 students in the province will be covered by the legislation in the hurried implementation of Bill 30; that is, the planning and implementation commission has approved only the number of submissions

that would cover 10 per cent of the age cohort. Therefore, I wonder why 90 per cent of the age cohort in the province is being marched into this kind of divisive legislation.

I understand more than 100 school boards declared they had 600 pupils anticipated to be in their schools in grade 11 in September 1985 and those 100 schools would be adversely affected if this bill passed by having to change or reduce their programs. I would appreciate being informed of the reasons this has to be implemented so quickly, so unusually and so unjustly.

I am a guidance counsellor. A grade 11 female student aged 16 requested once that I discuss with her the whole question of abortion. Can anyone here give me some insight into how that request would be handled by a high school counsellor in a state-supported Roman Catholic secondary school?

The education of women, their roles and responsibilities, their rights in decision-making, their relationship to the world of work are areas of great concern. Rosalie Abella pointed out that the essence of equality for women now and in the future is that in their options, which may or may not include the selection of a traditional role, they should face no greater economic liability than would a man and that in whatever employment environment they choose they should receive the same benefits for their contribution as would a man.

I wonder if our schools will begin to reflect this kind of current thought, of legislators and of active women, at the end of the decade of women as we usher in the decade of youth. Surely there should be continuity.

I would be pleased to attempt to deal with your response to my submission.

Mr. Allen: I will have a go at some of the specific questions you put to us, just to give you a quick stab at some answers; not all of which will satisfy you, I am sure.

I appreciate the quiet thoughtfulness of your brief and the issues you have laid before us, particularly since they come from someone who spent many years in the school system. I recall in my mid-teens having an excellent woman mathematics teacher and I became very good in mathematics myself as a consequence of that fact. She was a very bright woman. I am sure your students have had a similar experience.

With regard to spending alternatives—and I do not want to spend a lot of time on this—clearly there are a lot of programs one could review in terms of whether one should spend money on them and whether they should be there. That

process goes on all the time. All of us can find lots of places to spend \$350 million. There are lots of demands out there in every sector of government spending. It is often a mystery to some of us where money does come from in government hands. We all have reiterated many times the Suncor example. There was \$500 million there that nobody seemed to know anything about but it was instantly in play when a certain decision was made.

Obviously, this committee cannot answer a specific question in those terms, but I would like to remind you what most of us know and some of us have begun to say pretty insistently that government has been spending below average proportions of its provincial product on education, as far as the balance of the country is concerned, and on a per capita basis as well, compared with the average of other provincial administrations taken across the country.

3:50 p.m.

That suggests there are resources available and this province can spend further on education. I hope it would not simply be spent on the one major section of the public education system, but on both, in order to enhance their capacity to deliver education to Ontario children. In a sense that is my touchstone.

With regard to the grades 9 and 10 level funding, at this time, as a result of legislation passed in 1978, the province began funding grades 9 and 10 at a rate above the elementary grant level and it now stands at 1.23 per cent above that level. In order to be equal to secondary grant levels, it would have to be 1.39 per cent. It is proposed that this fall those amounts will become equal. In other words, the 1.39 per cent of elementary grants will be in place.

With regard to grade 11 in 1985, the minister has proposed, and I say this simply as a matter of fact, that the way of implementing funding shall be by virtue of the same regulating power that authorizes the legislative grants in the first place and which authorized the extension of grades 9 and 10 funding above the elementary level in order to provide funds for grade 11. The same power to regulate legislative grants is being used to extend that funding.

With regard to the 10-month delay, I suppose last June we all expected something would happen pretty expeditiously in the fall once the planning and implementation commission began its work. What happened is that a Premier who introduced something then resigned, a couple of expected election dates came and went and no election materialized.

We had a legislative session during the fall when the planning and implementation commission was sitting and holding hearings. Then there followed the leadership convention and an election. The Legislature was never called back into place to consider this question. As a result, not having a Legislature we could not have a bill; and by not having a bill we could not have the committee. One thing led to another and delayed the whole process. That is not to apologize, but simply to rehearse a history and to indicate things happened in the course of the year that none of the rest of us really anticipated.

We thought we were under some pressure by the public to hold these hearings as quickly as we could the moment we got a bill. Therefore, we did expedite things pretty rapidly in the Legislature in order to accommodate that desire. It seems a little strange on this side of the table now to be hearing that we are acting with unseemly haste in that respect when we thought we were responding to a public demand for as much and as early consultation as the Legislature could provide.

With regard to the 100 schools that you refer to, I believe they are the schools on the verge of questionable viability. They are smaller high schools across the province. The planning and implementation commission has deliberately established a criterion that says no small or single-community school of that nature will be adversely affected or have its viability threatened. That goes not just for today or for this year, but for the future work of the commission. It stands as a criterion this committee probably will endorse one way or another. That was done deliberately to save those single-secondary-school communities where there would otherwise be a school closure or a threatened division into unviable smaller units.

I agree there are great priorities of peace and war that all of us need to address and I am glad to hear you inject them into your comments this afternoon.

Finally, if you have not seen the legal judgements the Metropolitan Separate School Board has received on its behalf with regard to the constitutional question, it would be worth your writing to get a copy of them. A lawyer retained by the public school sector will have a certain commission, and whether or not he is hedging his judgement I am not going to say, but there are differing legal judgements from constitutional lawyers and I think you might find it helpful to avail yourself of them.

That is a first response to your principal questions. The other questions you raised are long and discursive in terms of answers on a lot of points of history and constitutional law. I will be happy to have you make an appointment to come and talk it over some time.

ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION, DISTRICT 11

The Vice-Chairman: We next have representatives from the Ontario Secondary School Teachers' Federation, district 11. Everyone should have the presentation, exhibit 90.

Mr. Cole: My name is Stewart Cole. I am the head of mathematics at Dr. G. W. Williams Secondary School in Aurora. I was appointed by the executive of district 11 to take care of the problem of presenting a brief should occasion arise during the summer. If you will look at my page of introduction, you will see that has been a bit of a problem. The notice has been a little short. I am here alone. I had hoped to have some of the people with me today who helped prepare this material. I have not been able to get even my district president. He is out west somewhere on holidays.

I have also had trouble getting to many of our membership and I would appreciate it if district 11 could be given a further opportunity to come before the committee some time in the fall, after we have had a chance to discuss with all our members what has been presented and to find out whether there are further concerns that we have not been able to find out during this holiday period.

As professional teachers, we are concerned primarily about the impact the proposed legislation will have on our students and on the society they will form in this province as we move towards the 21st century. It is our opinion that the proposed legislation not only is too costly but also has the potential to be a divisive factor in the continuing development of society in this province. Our concerns are primarily global in nature, although there are some secondary concerns that are specific to York region.

I found the words of Dr. Bette Stephenson a very good representation of our opinions. I believe it was in 1983 she said: "I think it is important and necessary to reaffirm the general merit and value of a universally accessible, publicly supported school system, a system which I believe contributes to consensus and is a counterweight force against social fragmentation."

"In a pluralistic society such as ours, which can be characterized as multicultural, multiracial and multilingual, a shared educational experience is important in fostering a common culture. Unity through shared experiences can be a countervailing force to factors which split and fragment society. Indeed, the school system may well be the only common, noncommercial learning and socializing experience for our young people."

Society is reflected in the school system and, conversely, the structure of our education system has a significant effect on the direction our society takes in the future. Increase the segregation in our school system and you contribute to segregation in our society and segregation within our communities.

4 p.m.

There are several examples in the world today of the disasters that can result from a segregated society, divided along religious lines. We do not contend this legislation will change Ontario into a Northern Ireland or a Lebanon, but this province would be well advised to avoid even one step in the direction of a society divided against itself.

I would compare the experience of the United States with respect to its segregation and desegregation. Over 100 years ago, in a less enlightened time, both this province and the United States opted for segregated facilities in education. In the United States, the segregation was primarily along racial lines; in Ontario, it was along religious lines. However, my experience in elementary schools bears out that there was also segregation along sex lines. I remember in elementary school there was a playground for the boys and a playground for the girls; and there was a separate school for the Catholic boys and a separate school for the Catholic girls.

We have moved away from segregation to some extent; at least we have stopped segregating the sexes in education. The US, in the enlightened second half of the 20th century, has moved away from segregation entirely. Its experience is not identical to ours but there is a very close parallel and its experience is worth looking at.

At the time of desegregation, for example, John A. Buggs, staff director of the United States Civil Rights Commission, said: "Schools are socializing institutions; they are the only institutions where all children are required to go. If we cannot desegregate education, I do not think we can desegregate anything."

Not many of you have heard of Stewart Cole, math teacher, but I am sure you have heard of

Earl Warren, Chief Justice of the United States Supreme Court. He said: "Today education...is the very foundation of good citizenship;" and, more important, "In the field of public education the doctrine of 'separate but equal' has no place." That was in one of his legal decisions. These are not written lightly; they are written very deliberately.

Notice he does not say "in the field of racial segregation"; he leaves it completely blank. "In the field of public education the doctrine of 'separate but equal' has no place." We would be well advised to consider the opinions of this very learned man.

It took the US a century to right the errors of educational segregation. The desegregation was a painful and costly but necessary experience. Should we in this province be moving in the opposite direction?

We have some local concerns about the implications of this bill. Besides being a math teacher, I have helped in building timetables for my school. I have also come in during the summer from time to time to help students work out timetables. We offer students a variety of courses at a variety of levels in a variety of subjects so every student can achieve his best potential in line with his needs and aspirations.

In the largest of schools, the provision for the widest variation of student requests can be met. When you have 2,000 students, you can offer a wide variety of courses and most students will get the courses they select. In the smaller schools, it becomes more and more difficult to give students the programs they request. If, instead of 2,000 students, you are down to 1,000 students, a course which perhaps 50 students would want in the larger school, only 25 would want in the smaller school.

This creates what are known as single-section courses, and they cause timetabling headaches for any school administration. There is a certain number of time slots in which you can put courses in a timetable; in my particular school there are eight time slots. The last time I helped build a timetable there were 38 single-section courses which had to fit into eight time slots.

The result is that students cannot get the programs they require or request. We have to call them in and say: "We cannot give you the courses you want. You will have to select other courses which were not your first choice and may not be in the area that you wish to pursue." It is a cost we pay for having smaller schools.

There are communities that can only justify a school of 800 or 1,000 students. Part of the cost

of having a school serve that community is that students do not get the programs they want. If this bill is going to bring about more smaller schools, there will be a cost with respect to student programming.

I have talked with various school administrators about this and I find they are reluctant to make any statements about reduced programs or loss of courses. They like to be seen always as positive. One of them said to me privately that they are concerned that statements about declining enrolments and shrinking courses become self-fulfilling prophecies. If a principal says publicly he is not going to be able to offer a technology program because he no longer has enough students, he is going to lose students. The problem compounds itself.

Woodbridge is in our region. A couple of years ago a separate school was opened in that community. Woodbridge High School had 577 students in 1983. It was a small school, very difficult to timetable. It does not offer a full program and does not have a tech program at all. It has some commercial. Projected enrolment is falling. It is down to 510 for September. It is becoming more difficult to timetable and give students in that school programs they want. No one can get a tech program in his own community. Students in Woodbridge who want to take a technical program have to be bused to another community, away from their friends and family.

Had there been one school in that community, had the separate school not been started, what would have happened is what typically does in schools of that size in Ontario. As the town grows, the school grows. Usually somewhere around the 1,000 student mark, technical additions are made in order to offer a full composite program. Because there are now two high schools in Woodbridge, neither of which is very large, students cannot get a technical program. That is a cost with respect to programming.

I teach in Aurora, where there are at present two secondary schools, Dr. G. W. Williams Secondary School and Aurora High School. Their projected enrolments for September 1985 are 840 and 1,020 respectively. Both are well below rated capacity. At one time my school, the one with the projected enrolment of 840, had close to 1,500 students. It was pretty crowded. We offer a full composite program but it is very difficult. This past year we had to call back about 300 students to reselect courses because they could not get the ones they wanted. That is a

problem because we have two schools in the town, both underutilized.

However, in March, the York Region Roman Catholic Separate School Board announced plans to open a separate high school in Aurora in 1988. Such a school will have a negative impact on the enrolments of both public schools. It will draw students away, with resulting costs in programs for all three schools. We are already struggling, trying to get kids the programs they want. Now, encouraged by these grants, there is going to be a separate school in the same community. It will create problems for the schools that are there, and with a planned enrolment of 800 will have its own problems in timetabling.

4:10 p.m.

As I sat in the audience I heard everyone talking about the financial costs. Who knows how much those will be? However, we have two underutilized schools in Aurora and, encouraged by the grant, the Catholic school board wants to build another one in the same community, letting go to waste a good portion of the facilities already there. Not only is there the cost of the building but there is the additional administration, the additional custodial staff, all adding to the cost. That will affect the local community.

In section 1361 of the bill there is an attempt to protect public school teachers who lose their positions because of shifting enrolments. However, in the same newspaper article in March, York Region Roman Catholic Separate School Board was quoted as saying it "will not relinquish its denominational rights with regard to staffing as guaranteed by the Constitution" but it would accept transfers of non-Catholics who can accept "the basic philosophy of Catholic education." Despite the assurances of the legislation, we believe that any of our members transferred to this system will be, at best, second-class citizens. The underlying prejudice revealed by the board's statement will not be cured by the legislation.

The world is becoming a global village. We have all heard the contributions of Marshall McLuhan. Citizens of this village are going to find it more and more difficult to isolate themselves within religious, racial or cultural cliques. To prepare for the society of the 21st century, we should be trying to break down the barriers that exist between the segments of our society. The proposed legislation erects such a barrier. We recommend that this social development committee use its influence to bring into effect educational policies that will result in a more harmonious and understanding society, one

which recognizes and respects the differences between segments of that society. To accomplish this, it must include a single, unified public education system.

The Vice-Chairman: Thank you very much. Are there any questions from the committee?

Mr. Davis: On page 4 you indicated that in Woodbridge there were program restrictions—or let us use your own school in Aurora as an example. What kind of programs are being restricted?

Mr. Cole: It goes right across all kinds of individual student programs. For example, to take a case where we know a problem exists: with the 38 single-section courses a student might be asking for an automotive technology course and at the same time, because of his background, he wants to take a French course. Both of those might be single sections. Because there are 38 single sections fitting into an eight-section day, those two courses might be at the same time. With 38 fitting into eight, it does not divide very well.

What would happen then is that he would get a note back from the computer saying: "You cannot do both of these courses. They are taught at the same time." We would call him into the school and say: "You are going to have to take something other than your technology course or something other than your French course. Which one do you want to drop and what do you want to take in its place?" It is a cost in terms of individual student programs in that kind of situation.

Mr. Davis: That is one of the problems of small schools.

Mr. Cole: Yes.

Mr. Davis: Those students in Aurora are no different from any other children in the educational system, be it separate or public school.

Mr. Cole: Right.

Mr. Davis: That exists already, but you are saying when you increase it, you are going to create more problems.

Mr. Cole: You are going to increase the magnitude of the problem by putting another school in the community.

Mr. Davis: Could I ask a practical question?

Mr. Cole: Yes.

Mr. Davis: The projected enrolments for September 1985 are 840 and 1,020, and you indicated that both high schools there are rated below capacity. Is it possible you can combine the two into one?

Mr. Cole: The total is 1,860. Both schools are about the same size physically. We had 1,484 students in our school at one time 13 or 14 years ago and the seams were bulging. You could not put any more in that school. No, you cannot combine them. Fortunately, York region is growing, but even with a third school opening you could not put the two public schools together in one. The number of students is too large for one but we do not have a big enough population to support two.

Mr. Davis: Okay. Thank you.

Mr. Jackson: Does York region have a class-loading provision in its collective agreement?

Mr. Cole: Maximum class size? No, it does not.

The Vice-Chairman: May I ask you a question? What would the cost of a unified school board be? If we implemented a unified school board across the province instead of separate school funding, what would the difference in cost be?

Mr. Cole: I have not costed it out. My first impression would be we might even save money. We would have fewer directors of education. We pay directors of education a lot of money. We would save quite a few superintendents. We probably could save on a lot of capital costs. We probably would not have to build as many new schools. If they are all under one board, they would find sharing a little easier if they were working out of one building.

The Vice-Chairman: You would agree the yearly operating costs of a unified school board are almost the same as extension of funds to the separate school system.

Mr. Cole: Somewhat less but almost the same.

The Vice-Chairman: Okay. Are there any other questions from the committee? Thank you very much.

I might just respond to your request at the beginning. I am not the chairman of the committee, I am the vice-chairman. Your district wanted to appear before the committee again. There is no way I or this committee can make a commitment at this point. Your umbrella organization has asked to appear before the committee again and we are going to try to accommodate that. I doubt very much whether we will be able to make commitments to each individual district to have second or third appearances. However, we would be more than willing to receive a second written submission.

RONALD E. CRAWFORD

The Vice-Chairman: Our next witness is Mr. Ron Crawford. This is exhibit 87.

Mr. Crawford: My name is Ron Crawford. I am a public secondary school teacher from Hamilton. I had the honour of running in the last election against Dr. Richard Allen. With your indulgence, I have asked Stewart Cole to stay behind because he also ran as an independent candidate. He is staying with a different hat and could perhaps corroborate some of the experiences I encountered when I was an independent candidate.

I would like to thank this committee for the opportunity to appear concerning the proposed legislation for the extension of separate school funding contained in Bill 30. I felt it incumbent upon me to share my experiences as an independent candidate in the last election when many of the electorate shared with me their concerns, not only about this issue but about the sham political process by which the measure was and is being implemented. Because I am not hindered by caucus or party solidarity, I can speak candidly about separate school funding and the political process. I am as concerned about public cynicism about our democratic institutions as I am about the implications of operating a sectarian education system parallel to the public one.

The social and political development of North America has been marked by a strong separation of church and state. Although in colonial times affinity of church and state was transplanted from Europe, the right of preferment for one religious body was rejected. Witness the struggles of Egerton Ryerson and Bishop John Strachan for the soul of public education in Ontario. However, since education and hospitals, to name but two agencies, received their start from various religious bodies, we have inherited from colonial times quasi-official status, particularly for the Roman Catholic church.

In European countries, the Roman Catholic church does not receive funding to run an education system parallel to the public one. It is ironic we are pursuing a policy long abandoned by our mother countries of preferment for one religious body, while they have moved to the separation of church and state, a principle that was a cornerstone of our democratic struggle for responsible government in North America.

4:20 p.m.

As an accommodation to the minorities in Upper and Lower Canada, schooling along religious lines was established in the British

North America Act. The public education system in the 19th century and well into the 20th century was in reality Protestant and was called such. Many still persist in using this erroneous label. One can well understand why a Catholic separate school system was necessary to "protect" Catholic children from Protestant propaganda. However, the BNA Act allowed only for the right of separate school supporters to direct their own municipal property taxes to separate schools, not the right to receive additional tax moneys from general revenue.

In the latter part of the 20th century, the public system of education is truly multicultural, heterogeneous and nonsectarian. It has no set of doctrines to inculcate except those broadly based values common to a democratic society, such as respect and tolerance for others.

In the second part of the submission, I will deal with the values held by Canadians, which are widely divergent from the teachings of the Roman Catholic church.

To many, a sectarian educational system is an anachronism as we approach the 21st century. Many would begrudgingly accept sectarian elementary education as an unfortunate historic accident necessary from a constitutional commitment, but vigorously oppose its expansion and the entrenchment of that expansion.

I would like to quote St. Francis Xavier, a reputed Jesuit theologian and scholar, who said, "Give me your children until they are seven and you can have them for the rest of their lives." In Ontario, it has been changed to 17.

Many, especially those who voted to keep the Conservative Party in power for the past four decades, felt there was a social compact to preserve both the Catholic elementary system—even if they disagreed with it but accepted it as a constitutional accommodation—and the pre-eminence of the public education system. That social contract was abrogated on June 12, 1984, when Premier Davis announced the historic decision to expand Roman Catholic separate school funding.

In this past election the Conservative government lost its majority position, according to several pundits in large part because it betrayed this social contract. The previous Conservative government had a reputation for taking public opinion polls and acting on those as it governed. It is very telling that the one time when they took arbitrary action and did not act according to public opinion polls, they lost their majority in the subsequent election.

Many voters during the election campaign told me they were vehemently opposed to the arbitrary manner in which the expansion of funding was decided and announced. Many felt disenfranchised because of the solidarity of the three political parties on this issue. The number of declined ballots, double that of other elections, similarly attest to this breach of faith felt by a substantial part of the electorate. The result of the election of a Liberal minority government should not be interpreted as an endorsement of the entire Liberal platform but as an anti-Conservative-government vote.

The other factor to bear in mind is that education, however important, was not the only issue at stake in the provincial election. Votes were cast reluctantly for all three parties, not because of but despite their stand on this funding issue. I encountered many voters who said, "I agree with you 100 per cent on your stand, but I have to vote for one of the political parties to which I am committed."

The trust of the electorate in their elected representatives is crucial for the preservation of our democratic institutions. There was a "morning smile" in the *Globe and Mail* one day last week in which it said there was a public opinion poll taken and politicians ranked only slightly ahead of airline chefs. I do not share this sort of in-jest view of politicians. In my encounters with them I have found them very dedicated. I certainly admire your patience in receiving one brief after another today and during most of the summer while other people are on holidays.

The Gallup poll found in appendix A of this brief suggests that politicians are not held in the high esteem I think they should be. I certainly never begrudge politicians their salaries. In fact, I feel they should be much higher than they are. It was pointed out to me by some of the people who supported me in the campaign that I would have to take a pay cut if I were elected. Although not being seriously concerned about that it does reflect the feeling amongst the public; when they begrudge salaries to politicians it is because they are somewhat low in esteem.

Can we blame the electorate for this low esteem and for becoming increasingly cynical about the political process when a decision is made arbitrarily, without due legislative process, without public input prior to the decision being made; not to mention the strange coincidence of the timing of the decision in the wake of the somewhat controversial visit of His Holiness John Paul II.

This was followed by an election campaign in which the issue would never have surfaced without the strong stance of public education coalitions and teachers' federations against separate school funding. This hearing, though welcome, is perceived by many as merely a sop for those opposed to voice their opposition and vent some frustration, but it scarcely removes the cynicism felt by many. This rare consensus of the three main political parties is scarcely mirrored by the general population, as revealed by the *Globe and Mail* poll on this subject taken during the election.

Is this issue so crucial after 118 years of Confederation that it must be entered upon with such unseemly haste? I concur with several of the recommendations that the Coalition for Public Education previously recommended, and which were also voiced earlier today.

A provincial referendum or plebiscite on the acceptance or rejection of Bill 30 and the extension of full funding to the Catholic separate school system at the secondary level should be held in conjunction with the municipal and trustee elections this November.

A provincial royal commission should be established to report, not later than 1988, on the philosophies that should shape and govern the forms and directions of education within Ontario, including the roles and models for public, separate and private education at the secondary level.

There is the whole issue of jelling with the Canadian Charter of Rights and Freedoms.

I urge the committee to proceed cautiously on this issue rather than bring further disrepute to our democratic institutions and add to the prevailing cynicism in the electorate. In 2067, will our descendants curse us for burdening them with two full parallel systems of education entrenched in common law by precedent?

A further pragmatic concern is the cost of its implementation. So far the only cost estimates I have seen have been per pupil grants transferred to the Roman Catholic separate school system as operating grants and sustaining grants to preserve the quality of education in the public system, amounting to some \$140 million, depending on whose estimates you use. This is being undertaken in an era when taxpayers already resent our high levels of taxation in general and for education in particular, as pointed out in the next two appendices which are Gallup reports. This is especially so in view of Premier Peterson's concern about Ontario's triple-A rating, presumably because we are in deeper debt than was

previously acknowledged. Despite that indebtedness, we feel we can enter on a policy that is going to spend more money.

However, I somewhat reluctantly point out that a far greater sum may be lurking on the horizon that has not been anticipated. As you are aware, present Roman Catholic separate schools have been built according to the elementary capital grant structure. They have not been built to accommodate the full technical and business courses expected in composite secondary schools. I hesitate even to guess what kind of sum we would be looking at, but it is perhaps \$500 million.

Either Roman Catholic separate schools will become academic and elitist collegiates while the public schools become ghettoized trade schools, or Roman Catholic separate schools must be upgraded to full composite schools to accommodate the curriculum mandated by the Ontario Schools, Intermediate and Senior Divisions guidelines. What is the cost of upgrading those facilities to match those of the public system?

I recommend that a full costing of upgrading present elementary Roman Catholic separate schools to composite secondary standards be undertaken by the Ministry of Education prior to the implementation of full grants. To increase only operating grants to Roman Catholic separate secondary schools will not ensure the equality intended in this legislation if they do not have the proper physical plant in which to operate.

I raise this issue to demonstrate that the implementation of full funding has been undertaken in such a rush that neither the principles, the methods, nor the results have been well thought out and planned. To quote an old maxim, "If a thing is worth doing, it is worth doing well." In this instance, I doubt its worth has been demonstrated, especially to the electorate, and it certainly has not been planned in such a way as to do it well.

4:30 p.m.

I would like to turn now to the secular nature of society as we find it in Canada. The trend of separation of church and state noted in part I is being mirrored by a concomitant increase in the secularity of Canadian society. Appendices E to I, Gallup polls concerning various issues, document the decreasing importance sectarian religion holds in Canadian life. Fewer Canadians are attending church, saying grace before meals or believe that religion is increasing its influence.

This is not just among Protestants; it is also affecting Roman Catholics. In appendix E you will note that attendance at church by Protestants

has declined in the 25-year period between 1957 and 1982 by 41 per cent, from 60 to 35 per cent of the population; while attendance at mass by Roman Catholics has declined 44 per cent, from 87 per cent of the respective population to 48 per cent.

It is ironic, to say the least, that in view of this increasing secularization of society, we are legislating an expansion of a sectarian religious educational system. It could, of course, be argued that a sectarian religious educational system is necessary as an antidote to this secularization. Are we then to believe that the Ontario Legislature and the three political parties believe the Roman Catholic church has the answer to counter this trend? By this legislation the Roman Catholic church becomes a quasi-state church with its special relationship concerning education.

It is my personal observation that Roman Catholics today, while often not attending mass themselves, send their children to parochial schools to receive the religious education they received as children, while no longer holding the faith with the same conviction. This same trend was apparent amongst Protestants in the 1950s and 1960s. They sent their children to Sunday school while not attending church themselves.

It is not difficult to extrapolate from this trend that in the future, given the decline of church in society, the demand for Catholic education may decline. This trend may be further reinforced if, as some Catholic critics fear, the present quality of Catholic education may be diluted as its exclusivity accedes to accessibility and hence to mediocrity.

Bill 30, from my reading, assumes a one-way street on which pupils, teachers and facilities will be transferred to the Roman Catholic separate school system over a period of 10 years. I suggest that a longer-term view be taken, so that if the secularization trend continues and Catholic education atrophies, the reversal of students, teachers and facilities may be accomplished.

I recommend that the planning and implementation commission be a permanent body, analogous to the Education Relations Commission, to mediate the transfer of personnel and facilities indefinitely.

I further recommend that the unified school board concept be thoroughly studied as a model for implementation.

Just as francophone schools are operated under the advice of an advisory committee, Catholic schools could be also. Such a committee, composed of the diocesan bishop, Catholic

educators, parents and taxpayers, would advise on the functioning of Roman Catholic schools within the entire public system.

A unified school board would provide a rationalization and sharing of resources, a reduction in duplication of services and a consequent savings. In my own area of Hamilton-Wentworth, there are three boards overlapping. The cost savings of one educational bureaucracy, education centre, professional media collection, etc., would probably cover the cost of extending equal grants to Roman Catholic separate schools in the final two years.

Such a model would not preclude the operation of other special schools operating under the umbrella of one public board. Supervision by one authority over the various schools would ensure a true equality of instruction and accountability to the public. I found great acceptance of this concept during the election campaign for its sensible and logical solutions to the problem at hand. If Bill 30 were withdrawn or delayed, I am sure more creative solutions could be found to solve the current problems of inequality of instruction without betraying the public trust.

Roman Catholic educators have conveyed that Roman Catholic education involves not only the teaching of faith and doctrine of the church of Rome but also an ethos that pervades the entire curriculum and functioning of Roman Catholic schools. Although ethos is a vague term, I suppose it includes the inculcation of values on such social issues as abortion, birth control, trial marriages, including premarital sex, euthanasia, etc. Appendices J through P, more Gallup polls, demonstrate the secular values held by Canadians which are widely divergent from the teachings of the Roman Catholic church.

We are now faced with a situation of public financing the indoctrination of values not held by the majority of Canadians. It is one thing to allow citizens to direct their own educational property taxes to the school of their choice, which from other submissions would include other sectarian and private schools, but quite another to use the general tax revenue from income tax, sales tax, etc., to pay for this indoctrination of values contrary to those of a majority of Canadians.

In a multiracial, multicultural and diverse society represented in Ontario, it is urgent that children learn and play together in order they may live and work together in harmony. Appendix Q, a Gallup poll on intermarriage, shows the increasing tolerance of Canadian society towards interracial marriages and interreligious marriages. I urge this committee to proceed with

caution so that this harmony may not be diminished nor the respect for parliamentary institutions be further marred.

Mr. Allen: It would be unseemingly for me to leap into the breach and begin a debate that started back at the last provincial election. Mr. Crawford was a very estimable candidate. He and I tended to agree on most of the educational issues raised with the exception of a few of the repercussions and implications of this issue. He did an excellent job in bringing the causes of funding public education before the Hamilton West electorate. I was very pleased to see that.

I have a small question about something which keeps recurring in so many of the briefs. I understand part of the answer, but not all of it. You refer to public secondary schools becoming ghettoized trade schools if the separate school system is not allowed to and does not achieve a full development of trade and business programs and what have you.

To date, the system has been very attractive to people because of the extensive range of programs from the academic to the other paraphernalia of programs. That has facilitated a movement of students back and forth. A student may try an option, and if he cannot quite make it, there is another avenue to go into without abandoning the same school. There is a lot to commend that.

Most of the non-Catholic majority have gone to those schools. Why under those circumstances would they abandon them, even if the Catholic system were to achieve rough comparability? Why would good Protestant academic children from upwardly mobile middle-class families or recently arrived Sikh children, for example, who have a great ideological and religious thrust and motivation behind them, not continue in the public system? I do not understand the argument.

Mr. Crawford: The point I made was that if the present Roman Catholic separate schools were not upgraded to full composite schools with business and technical courses, but instead became solely academic with grants equal to the public system, they would then become collegiates.

My experience through high school in London, Ontario, was that if students wanted a technical education they went to H. B. Beal Secondary School and everybody else went to a community collegiate. It made anyone who wanted to go to the technical school the dummy. All those negative things we have done away with, mostly under Bill Davis when he was Minister of Education. We could revert to that.

Having a separate school that was very academic might really appeal to non-Roman Catholics, whereas a composite school heavily dominated by general level courses might not be attractive.

4:40 p.m.

We have seen this problem to a certain extent in elementary schools where there are French immersion programs. Many of the brightest children have been attracted into the French immersion courses. Some parents will choose to put their children into the French immersion program not so much because they want French for their children but because they want them to be with the brightest children. That is where the problem is.

Mr. Allen: I would have thought in most of our communities there are schools that range from vocational through to the very academically oriented schools. In our own community we have Westdale Secondary School, for example, and the notion that somehow a Catholic school, even on regular grants, would be able to attract teachers of better quality or able to provide better facilities of an academic nature than exist in Westdale School—I do not quite grasp how it is going push lots of otherwise public school supporters into the other system.

Mr. Crawford: Put it this way. The committee does not come from Hamilton; however, as you may be aware, most people living in the Aberdeen area choose to send their children to Westdale rather than to Sir John A. Macdonald Secondary School, which I believe has about 30 to 50 students in grade 13 courses, because they like Westdale's academic reputation. If one of the elementary schools was given over to the Roman Catholic separate school board right in the middle of the Aberdeen area, maybe they would go there rather than Sir John A.

Mr. Allen: It is a bit speculative. The language of ghettoization is pretty drastic and radical to describe the phenomenon you are talking about. It probably would not be that extreme. Are you answering a question to this brief?

Mr. Cole: Yes, I want to try to throw some light on this last question. I have taught in a number of communities and in many of them, unfortunately, technical schools are perceived to be somehow second-class. They are not perceived in the communities as being up to the standards of a collegiate. The point is, where you have a Roman Catholic school that does not offer technical programs the public school will be the tech school and will carry the perception that has

been there in the past that it is a second-class school.

Mr. Crawford: It will also be more expensive.

Mr. Allen: I was not referring to the technical comparability. The other question has to do with polls and education taxes. I had thought the Ontario Institute for Studies in Education's regular polling of public attitudes to taxation in recent years had consistently shown the public considered the education system underfunded and was prepared to accept higher taxation. That runs directly counter to the Gallup poll you cited which seemed to suggest the public was rather fed up with being taxed for educational purposes.

Mr. Crawford: It would depend on who was being polled. The electorate I encountered, if they did not have children in the system, could not see why they were paying such high education taxes.

Mr. Allen: That is a very discrete group among the public. It was interesting in the light of a quotation in the second last brief about the 1867 issue by Dr. Phillips when he said it was a "logically insoluble" problem as to what the implications for 1967 were. It probably sums up the diametrically opposed arguments one gets on that. It is interesting to read your runthrough on it also. We obviously come to our versions of that with a lot of different weighting factors in our mind as we go through the elements of the argument. In any case, thank you.

ONTARIO CATHOLIC SECONDARY SCHOOL PRINCIPALS' ASSOCIATION

Mr. R. Mitchell: Before outlining the brief of the Ontario Catholic Secondary School Principals' Association, I would like to introduce two other executive members of our organization to you. On my right is Len Varrasso, who is past president and principal of Cardinal Newman High School in Hamilton, and on my left is Father Don McLeod, our first vice-president and principal of Assumption High School in Windsor.

My name is Bob Mitchell and I am president of the Ontario Catholic Secondary School Principals' Association and principal of the Catholic Central High School in London.

The Ontario Catholic Secondary School Principals' Association has existed for some 10 years as a professional organization of high school principals and vice-principals. Indeed, it can be stated that our growth and viability as an association has paralleled that of the province's Catholic high schools, so I speak to you today on

behalf of 232 members from 107 high schools across Ontario.

We welcome the chance to be able to present our views and opinions on Bill 30, and we express our thanks and appreciation to the social development committee for affording us this opportunity.

The association states its general accord with the provisions contained in Bill 30, An Act to amend the Education Act, whose purpose it is to publicly fund the last two or three years of Catholic secondary education. From our perspective of school level administrators, we feel we bring a unique view to this issue and our subsequent observations are coloured by this point of view.

Coming in daily contact with our students, we have witnessed at first hand the sacrifices they and their parents have made to continue their high school education through the last two or three senior grades. While there has been a great deal of discussion about the technicalities of completion, it must be remembered that the main beneficiaries will be the students who, with their parents, will no longer be obliged to bear the ever-increasing tuition fees which have, in very large measure, supported the senior grades of Catholic high schools.

Our brief also alludes to a continuous increase in enrolment, most of which predates former Premier Davis's announcement on funding, and to an expansion in educational services which have been developed to adequately accommodate the divergent needs of our students. A welcome change in government policy to fully fund the senior grades will allow this expansion of programs to continue so the needs of all Catholic students can be met. In this respect, we are firmly committed, as an association, to serving all Catholic secondary school students and would see further program development occurring mainly in the areas of special vocational and technical education.

Two further points concerning students need to be made. The Catholic high schools' objectives and the programs which follow from them contain an abiding concern for the development of the spiritual, as well as for the academic, physical, social and civic formation of our students. It is this concern for their spiritual wellbeing and development which gives the Catholic high school particular focus and which should involve all members of its educational community.

This is undoubtedly what the Minister of Education referred to in his statement to the

Legislature last July 4 when he asserted his fifth principle upon which Bill 30 was to be based, which was that the distinctive mission of the Roman Catholic separate school system be maintained. We most definitely support this principle, as well as the other five principles outlined by the minister in introducing the Education Amendment Act, 1985.

The topic of student access has been one which has preoccupied this committee and one which has generated a great deal of discussion. Our brief does not skirt this potentially contentious issue. We state our agreement with and support for the concept of student access, as outlined in the minister's third principle, and in section 1360 of the bill itself.

Subsection 1360(1) states that "a pupil in a secondary school operated by a public board" is entitled to access to a "secondary school operated by a Roman Catholic school board," provided it is in the same area of jurisdiction and provided sufficient accommodation is available.

While we would never advocate using lack of space as a means of limiting access of public school students to Catholic high schools, it must be recognized that Catholic high schools are, in most cases, so severely strapped for space that suitable accommodation for the current complement of students is and has been a problem which we principals have confronted for many years. It is also a problem which does not promise to resolve itself in the short term.

I will now ask Len Varrasso to give this committee some specific examples of what I speak.

Mr. Varrasso: Thank you, Bob. I am only going to use three examples, and these are simply to illustrate the point.

Catholic Central High School in London has a building capacity of 1,200 students, an enrolment of 1,700 and, in order to accommodate all this, uses 10 portables and one annex.

4:50 p.m.

Another example is Windsor Assumption College. The building has a capacity of about 1,250 and an enrolment of 1,735. It is at present using six portables and one auxiliary building. The building I am very familiar with is the one I am now at, Hamilton's Cardinal Newman Comprehensive, which has a capacity of 541, an enrolment of approximately 1,500 and 20 portables on site.

These examples could be repeated throughout the province, but I wanted to highlight it with three. It appears that portables and this whole question of space are very pressing problems.

Even in the Newnham report, the question of accommodation is being resolved by the addition of 96 portables and one portapak for the separate school system. So portables and this question of space are very serious matters.

Mr. R. Mitchell: In the longer term, however, with an increase in adequate secondary accommodation for Catholic high schools, space should cease to be a limiting factor to student access.

We make two further points on the subject of student access. First, persons qualified to be pupils in a secondary school operated by a public board who wish to attend a Catholic high school out of choice are understood to have made such a decision from some understanding and appreciation of the distinctive mission of the Roman Catholic separate school system. In making this choice, one would assume some commitment to the goals, policies and practices of the school and to participation in the total life of the school.

I would like to call upon Father McLeod to expand upon this.

Father McLeod: With regard to this question of participation in the life of the school, it is our contention that there has been some confusion with regard to the religious life and the religious program of Catholic secondary schools. A couple of distinctions should be made and would be in order.

The first is between the religious studies program and what we could call the religious life or perhaps the liturgical or sacramental life of the school. The religious studies program is primarily a curricular program of religious knowledge. Most of the curriculum is based on a study of the life of Jesus Christ and of the Judaeo-Christian scriptures and on an ecumenical comparison of the world's major faiths, as well as a study of lifestyle issues and concerns that are relevant to contemporary society.

We feel that program of studies, which is highly academic in nature, is far from being narrowly sectarian or dogmatic. We also feel it has a decidedly ecumenical tone, particularly in the study of the world's major religions and in the questions of lifestyle, morality and so forth that are dealt with in the senior grades.

It has been my experience as principal of a secondary school, and prior to that as a teacher, that the non-Catholic students and parents who have come to our schools have never found the religious studies program in which they have participated to be offensive or bigoted in any way. This is not to say some of the students have

not found it difficult at first and perhaps a great concern for them initially.

A year ago, the editor of our school newspaper wrote an article to the effect that she had found it rather difficult in her first year or so of high school to be part of an environment that was decidedly Catholic and Christian in nature, not so much because she felt she was being imposed upon but simply because she was not familiar with it. That was the first time most of the people in the school knew this young lady was not Roman Catholic by birth, baptism or profession. It was an outstanding example of what I am trying to say here, that the religious studies program in the life of the school is something that is not oppressive and certainly not bigoted, although it can cause some initial difficulties.

The second part of the distinction concerns the religious or sacramental life of the schools. I would like to make two points about this. First of all, in all the schools the religious or sacramental life has two components. There is what we could call an optional program. Most of the schools have a chaplain and often that chaplain is a priest.

There is a celebration of the Eucharist daily or perhaps two or three times a week. Most of the time it is presented simply for optional attendance by students, staff and anyone else who happens to be visiting.

From time to time, the school will put on celebrations of the liturgy, such as celebrations of mass, and opportunities for students to attend the sacrament of reconciliation or confession. In those circumstances, particularly when there is an all-school celebration, all staff and students are asked to be present at the public portion. However, at no time, either now, in the past or, as we can certainly anticipate, in the future, would full participation in the sacramental life of the Catholic church be required of anyone, and that includes professed and practising Roman Catholics.

Mr. R. Mitchell: The second point is that we are in agreement with subsection 136o(6), which allows an exemption from religious studies to a student who is not a Roman Catholic and who enrolls in a Catholic high school because of availability of program or because of the Catholic school's easier accessibility.

We also comment in our brief on the scheduled implementation of full funding. The events that have transpired in the political sphere and the widespread public debate and consultations have delayed the proposed legislation beyond September 1, 1985, but that has transpired as a reality we all must face. We wish to commend the

government for keeping to the previously announced schedule to fund grade 11 starting in September 1985 by means of changes to the general legislative grants. To have failed to have done so or to have done otherwise would have resulted in many administrative problems and would have caused a great deal of uncertainty for students, parents and teachers who have made choices based on stated government policy.

Our brief concludes by offering some thoughts on the benefits that funding can bring to the education scene and to the province as a whole.

First, the completion of funding of Catholic secondary schools will result in a net increase in funds for the senior grades of Catholic high schools. These additional funds will mean more jobs in the education sector, not fewer. Nor will these positions be limited to the teaching profession, but will involve increases in all support service positions, such as caretakers, secretaries and paraprofessional personnel.

Second, one of the intents of this policy is to make full and abundant use of the school buildings and facilities. Given Bill 30's eventual passage and the consequent obligations of coterminous school boards to work in harmony, the longer term should see local arrangements effected between Catholic and public boards that will make complete use of these educational facilities.

Finally, the development of parallel public and Catholic secondary systems should be viewed as an opportunity for the growth and development of both systems. We feel completion will not fragment the public system, but will rather challenge both systems to strive together in a spirit of mutual respect and full co-operation to bring to this province the finest education available for all our students.

We are not competing with our colleagues in the public sector. We are united with them in providing an alternative and a choice. We commit ourselves to work with them for justice, harmony and educational excellence for the youth of this province.

We conclude by thanking this committee for the opportunity to present our views.

The Vice-Chairman: Thank you very much. We already have a couple of people on the list for questions.

Mr. Timbrell: I want to be very clear on your position on a couple of issues.

With respect to the admission criteria, given that the government is in effect budgeting for 104 portables to relieve space problems in certain schools for shifts in enrolment, which you

apparently accept as valid, I do not understand why you today stand in defence of the space availability clause if dropping it meant adding some more portables until such time as there is a sorting out of facilities in London, Hamilton, Windsor, Kingston, Metro and wherever.

You seem to be saying, "As soon as the space requirements are sorted out, drop the space availability clause." I would like to know if that is what you are saying, in which case why do we not do it now? We will sort out the problems first on an interim basis starting in 1985, and then on a permanent basis as we move along.

5 p.m.

Mr. R. Mitchell: The addition of these 104 or 109 portable, relocatable classrooms will simply bring us up to minimum standards to be able to cope with our present enrolment. Once there is sufficient space, we could easily accommodate the rather small proportion of students eligible for public school education who would wish to come to secondary schools.

The point we are trying to make in the brief is that we are constantly at our wits' end to provide adequate accommodation for our own students.

Mr. Varrasso: The other question is, do we really want to look at portables as a long-range solution to accommodation?

Mr. Timbrell: I am not suggesting that as a permanent solution. I have been a teacher and taught in portables, so I know what you are saying. I do not want a lot of John Paul II schools in Scarborough popping up all over. You seem to be saying that if space can be provided on a short-term basis with the provision of portables, and as the permanent shortage is sorted out in those facilities over time, you are prepared to see that drop from the legislation, which I find interesting.

The second question I want to deal with is exemption from religious instruction. I found your brief description of the religious instruction program very helpful. I want to ask what effect universal access, with universal right of exemption, would have, in your opinion, on the catholicity or the ethos of your individual schools or of the system, if that were the will of parliament when this legislation is ultimately passed.

Father McLeod: Keeping in mind the distinction I made between the religious education program and the religious life program, our belief is that the two are essential to that ethos or character. They are part of what distinguishes the Roman Catholic schools from the public schools

and from any other denominational or similar kind of school.

If the religious education program is made universally exemptable—

Mr. Timbrell: For non-Catholics.

Father McLeod: If there were significant numbers of non-Roman Catholics students universally exemptable—and here I have to say I am not sure there would be, but perhaps there could well be—what we would be doing essentially is making the separate school more and more a public school and, therefore, it would lose its distinctive character.

Mr. Timbrell: What are significant numbers? Like your colleague Mr. Mitchell and your other colleagues, I do not think there are going to be that many in my community or yours. What would be a significant number that would begin to threaten the ethos of your school, Assumption College?

Father McLeod: You are asking me to tiptoe through a minefield that I have not negotiated before.

Mr. Timbrell: Yes. We have been doing it for a month.

Father McLeod: I can appreciate that. To even try to throw out a number would be strictly ball-park.

Mr. Timbrell: Five per cent, 10 per cent, 20 per cent?

Father McLeod: I would say once you got up to the 20 per cent level, essentially what you are beginning to do is mirror certain percentages that exist throughout society, not to say that should not be mirrored in a school system. Again, we believe one of the aspects of the distinctive mission of the school system is to provide a religious studies program for most of its students if not all of them.

When you get into the range of 15 to 20 per cent in a school the size of mine, which is right now at 1,735 students, you are looking at a fairly substantial number.

Mr. Timbrell: These are concerns that I and my colleagues have regarding access and how to deal with this question of exemption from religious instruction. Very clearly we do not want to publicize, as it were, the denominational Roman Catholic system, but we do want to deal with these issues of the rights of students and teachers.

I have one last question in the section of the bill that deals with matters related to employment practices and supervision of staff. One section protects the designated teachers from discrimina-

tion on the basis of creed. Over the last three weeks, we have spent a great deal of time talking about what "creed" means. The Minister of Education has given his interpretation and various others have offered to help us with that. As supervisory officers, what is your understanding of the term "creed" and how would you expect to judge the conduct of people who will transfer to your respective schools from the Windsor, London and Hamilton public school boards?

Mr. R. Mitchell: We have all had experience already with non-Roman Catholic teachers in our schools. At present our expectation is that they set a proper example for their students. They bear Christian witness, if you will, and various examples are entailed in that.

With designated teachers, the game and its rules have changed somewhat regarding hiring practices, most of which would be under the school board's wing and not that of the supervisory officers of the school. As a principal teacher, I would have those same expectations of teachers in the classroom.

Mr. Varrasso: First, principals will be key people when these designated teachers come over, because it is they who will determine how they will be welcomed on staff and made to feel and so forth. To a person, the principals are prepared to work with the designated people regardless of what schools they are from or religious background. All I would ask of these people is, are they willing to teach and are they positive toward their teaching, or are they going to be actively anti-separate school?

Mr. Timbrell: That is what I want to come to, because Mr. Mitchell commented he would expect them to bear Christian witness. There are going to be designated teachers who are not Christian, Protestant or Catholic. Will it be sufficient, in your view, that they follow section 235 of the Education Act and, while not promoting the principles of the Roman Catholic faith, will at the very least not undermine those things for which your church and your school system stand?

Mr. R. Mitchell: In short, yes. Another comment I would add is, I believe in the Education Act the first sentence in the duties of the teacher, or in the preamble, deals with all teachers, irrespective of whether they are in separate or public schools. They are to live up to or inculcate Judeo-Christian values in their teaching. That would be my last word on that issue.

Mr. Timbrell: I have one last, hypothetical question. When this happens, do you foresee any difficulty or anything standing in the way of a non-Catholic some day being principal, superintendent or director of Assumption College?

Father McLeod: No.

5:10 p.m.

Mr. Allen: In that respect, I have a good friend who is a supervisor of music for the Wellington county board. He has been there for 18 years and he is a Protestant. He says they have been the best years of his life. It is possible for those things to happen. They have happened, obviously. It is good to see there is some objective evidence as well as your own assent to the propositions as we ask them.

I will ask you a little more on the space question. The questions asked to date seem to imply that if you have a seat out there it is enough, and if it happens to be in a portable it is enough. You gave the example of the school—this has been quoted to me in Hamilton on many occasions—where the actual accommodation rating of the school is for something over 500 students and you have 1,500 students.

Could you explain in a little more detail the problems that presents for you and the students with respect to providing adequate education and what the problem is when you get all those added numbers above the normal space allocation per student?

Mr. Varrasso: One of the first problems is the question of specialized facilities. First, the schools are trying to offer a comprehensive program so there are some shops and the shop area becomes very limited. The limitation in the science areas is of a more serious nature.

If the main building has, for instance, three science labs and all of a sudden you need more than three, the only alternative is to set up a science laboratory in a portable. This creates problems. With a good teacher, with the willingness and so forth, a good program can be carried out; but the question is for how long? These are some of the curricular programs.

Having one single gymnasium instead of a double gym creates problems; the size of the cafeteria; the size of corridors; the sharing of lockers, for instance. The students at my school all share lockers. That creates unique little problems but it teaches them the value of co-operation and so forth.

These are some of the unique experiences. I could go through the entire building and spend an hour telling you the limitations. Where portables will provide a seat and it will be temporary

accommodation, I can go along with that. We have survived that. The question is how long can you go on in that regard? How long can you have a portable science lab with no running water and propane gas tanks, rather than the regular science desks and so forth?

These are some of the unique problems people have had to overcome because they believe in carrying on a Catholic education.

Mr. Allen: I have been hearing the specifics of the details and am sometimes helpless with the propositions we are trying to frame in our minds. That is why I put the question in that fashion.

With regard to facilities and programs, what are your expectations as principals with respect to new programs, new facilities and the accommodation necessary for coming onstream? What are you hoping for out of the completion of funding, and do you in your own schools have a sense of timetable in which to accomplish some of those objectives?

Mr. R. Mitchell: A specific timetable would vary from school to school and region to region.

Mr. Allen: Of course. That is why I asked you to answer for your own school.

Mr. R. Mitchell: If I could speak on my own school, as a result of a survey that has been done, Bill 82 has mandated separate school boards to provide special education services. We have undertaken to provide those and have made significant strides in that regard. Not only in my own school but across the province in virtually every region and most schools, basic education is offered to all the students.

The big area is the technological one. In our brief to the planning and implementation commission, we suggested our approach to the whole area of vocational and technical education, because we have not been into it to that great an extent, might well be different from the approaches taken by public school boards. There is a much greater emphasis.

Indeed, in the ministry documents regarding technological studies, they talk of this differing emphasis and this greater reliance on more academic subjects in the technical areas. At present, our board and a lot of other separate school boards are involved with public school boards in reviewing and planning technological, technical and vocational programs. As to the specific time limit, I would not hazard a guess. Again, I think that will vary.

Mr. Allen: Anything additional?

Father McLeod: To bring it back, in a sense, to the accommodation factor, I could run you

through the details of the building I am principal of at the moment. It would be next to impossible for us, in the immediate future, to consider offering any kind of extended technical program simply because of the facility. It was just not built for that; it was never intended for that, principally because of the tremendous cost factors involved which a private school simply could not afford.

As a result, in our area we have been trying to work in a co-operative way with the board of education, which has technical, technological and vocational schools, to see if the facilities at their technical schools can be utilized perhaps more fully and more expansively by students from both systems.

As Bob says, I think it is going to depend on regional specifics, differences and so on. Ultimately, we would like to be able to offer as complete a range of educational services as is needed by the students who will come to us with a minimal cost to everybody concerned.

Mr. Allen: So you are looking at a lot of matching with the public system at the moment.

Father McLeod: In our case, yes.

Mr. Varrasso: There are situations sometimes in which the particular philosophy of a school cannot be carried out because there is neither space nor moneys available. I am talking in particular about the full implementation of Bill 82. It is the particular philosophy of the Catholic schools in the Hamilton area to integrate, for instance, and to have classes of handicapped students in the schools. Four of the seven schools, I believe, have the classes, but to have them in such crowded conditions is something you have to really believe in and want. When you ask is there a timetable in that situation, we are already behind schedule in the timetable.

In other areas perhaps you can do with a portable for three or four more years. If you ask me personally about the school I am involved with, I would say that over the next couple of years there has to be some type of resolution to the space problem. We start with the space, then the space leads to programs and so forth.

Mr. Allen: One or two of the Catholic high schools in Hamilton have quite a good reputation, especially in terms of their academic capacity.

Mr. Varrasso: I would like to think all of them do.

Mr. Jackson: Especially during election time.

Mr. Allen: I hope you will forget in four years that I said that.

Mr. Davis: Four years?

Mr. Jackson: Three years.

Mr. Allen: In any case, do those schools at this time find they are attracting non-Catholic students by virtue of the strength of their academic programs, to the best of your knowledge?

Mr. Varrasso: Again, I do not see any great rush of non-Catholic students to the schools. In fact, I have not seen a great change in percentages from the elementary to the secondary, even with the announcement of completion.

It was interesting. The announcement was made on June 12, 1984. Perhaps these two gentlemen have some numbers, but I cannot recall anybody at my school who changed his mind and decided to come to a Catholic school at that point. I think all the schools have academic reputations, public and Catholic.

Mr. Allen: You are a better politician than I am.

5:20 p.m.

Mr. Vassarro: All the schools have a unique spirit to offer. Once the students are involved in that school and realize the teachers care about them and want to do the best for them, the students will stay there whether it is a Catholic or a public school. The four or five years are the most important time in their lives. They develop many social connections and so forth; they want to stay there. I do not see any great shifting. I am personally a bit disturbed when I hear comments about the possibility of a great shift. It almost puts seeds in the minds of people who are very comfortable with either system. That has been my experience.

Mr. Ward: My questions revolve around the availability of space in a specific sense as it applies to Hamilton-Wentworth. In the brief you talk about the consequent obligation of school boards to work in harmony and make use of the abundant space already available; yet in your situation you have an enrolment in excess of 1,500.

Mr. Varrasso: It is between 1,450 and 1,500.

Mr. Ward: That is in a school with a capacity for 541. In the general area of that school there are vacant secondary schools owned by the public system; at least within the area of jurisdiction—

Mr. Varrasso: I do not believe they are vacant. There might be some space available in

them, but at least in the county area there are none.

Mr. Ward: My concern is, why does it take the passage of this bill for the obligation to exist for those boards to work in harmony to resolve those situations? The previous brief presented to us went on at length about the possibility of ghettoization of the schools, and that what would happen is separate school boards would assume older schools and become academic institutions while the technical institutions would then be in the public system.

One of the problems you face in trying to find accommodation is that you do not want to be limited to a facility in which you cannot integrate handicapped people or offer technical programs. You are caught between a rock and a hard spot. A lot of people have the impression that with all the vacant schools and available space there are not going to be problems of accommodation when funding is extended, that the boards will quickly work things out. It is not so. The accommodation problems cannot be worked out quickly. The only resolution of your problem is to try to seek space in a public school, space that board does not want to yield.

Mr. Varrasso: There is a psychological factor at work. With the passage of Bill 30, two systems that are equal will be talking to each other. There are the little situations where one system ends at grades 9 and 10. I have seen boards talk about grades 9 and 10 accommodation. Then what do you do with private school students who in the Catholic schools have a tendency to carry on in the private grades?

Bill 30 will simplify many of those situations. Then one secondary school system will be talking to another. Although one is much larger than the other, they will be technically equal. Perhaps that will open up more co-operation.

Mr. Ward: I do not see how those situations are necessarily resolved by the bill, because the facilities both boards want to develop are the newer ones. The space that is available is no longer suitable either for the public or the separate school boards.

The Vice-Chairman: I am sure there are exceptions to that. In my home community in Windsor, there will be a composite school, our newest school, going to the separate school system in the next couple of years.

Mr. Ward: I am not sure whether Mr. Allen would agree, but I do not think the possibility of composite schools becoming available is necessarily the case in our region.

Mr. Jackson: There is one in Stoney Creek.

Mr. Davis: I have a couple of quick questions. Are the ratings of 1,200, 1,250 or 541 that you gave us, ministry ratings or those of your board?

Mr. Varrasso: It is the ministry rating for Cardinal Newman.

Mr. Davis: Are they all ministry ratings? Okay.

I want to pick up what Dr. Allen was asking about technical and vocational programs. I am interested in the comments you just made when you said you are now doing consultative processes for new directions in technical and vocational programs you think you will institute in the Roman Catholic separate system. What are those new directions?

Mr. R. Mitchell: When the committee finishes its work we can give a definite answer. I do not mean to be facile. I am not absolutely certain of all the directions it will take.

Certainly, some of the traditional technical programs will always have value in a secondary school setting. Automotive mechanics, for example, has a definite appeal to students to develop certain skill levels.

These directions have been enunciated in a Ministry of Education document which has mandated all boards of education and separate school boards to look at what they are offering or are planning to offer in technical programs in light of the changing technological revolution.

Mr. Davis: Can you give me an example? Let us use the ministry document, which I have not seen. Give me an example of the kind of suggestion the ministry is making to both the public and separate schools with respect to new directions in technical and vocational programs.

Mr. R. Mitchell: If I might, I was at a meeting where the deputy minister, Mr. Green, was speaking about that as a challenge to separate school boards and saying they were in one sense advantaged by not having the legacy of obsolete or obsolescent facilities that need to be upgraded. We are starting from scratch.

In the preliminary work I have done as chairman of our board's committee to look into technological education, what we seem to be getting from employers and people in community colleges is, "We want graduates who have a stronger academic background than the ones you have been sending us." This is something to which we have to respond, by not only challenging students who might formally go into a technical program to take that program for the experience of dealing with it, but also emphasizing

ing the fact they are going to need some of the more advanced mathematics and things such as that.

Mr. Davis: That is done now in the public education system.

Mr. R. Mitchell: Oh, yes, I know. This is not exclusively for separate schools.

Mr. Davis: However, I still have not heard what new directions or concepts you are trying to put your mind around. I think it is imperative for us to understand that. You can correct me if I am wrong or you can decide not to comment, but when you talk about the academic component in technical-vocational programs, and you have used those words two or three times now, is this new thinking a move away from what we would call the traditional shops we have seen in my education and probably yours? If that is so, then where does the student get the hands-on experience of using a metal lathe, for example, working on an engine or learning about bricklaying? Where does he pick up that kind of practicality?

Mr. R. Mitchell: I think the new directions we refer to are to say maybe we should not think of getting into some of those heavy shops; maybe we should be thinking of other directions. The advantage we might have is we are not burdened, whereas the public school board not only has the facilities but also the staff it needs to retrain.

Mr. Davis: If you are going to move from those, where do you go?

Mr. R. Mitchell: Again, I think when we have finished our deliberations we will have a more definite answer. My personal opinion is we will be moving more into technologies, such as high

5:30 p.m.

Mr. Varrasso: If I could add a point here, I think the whole computer-assisted technology program is open to everyone at this time. Also, one thing Catholic high schools that wanted to get into the technical field had to do, because of the lack of facilities, was to have a very close look at linkage programs, co-op education and so forth. So have the public schools, but remember, when there is no facility, for instance for auto mechanics, and you are running a very basic program, you encourage the students to go to a local shop and get involved.

Mr. Davis: So one could say from your suggestions that it is possible that the technical-vocational programs of separate school boards will not be a sharing facility in some areas of the existing facilities owned by the public school system, but in effect will be a new thrust, more

on the lines of a co-operative program, where the separate school youngster would move out into the community to pick up what I call the on-hand skills and you would retain what I call the academic quality for which you are noted.

Mr. Varrasso: Remember there has to be an in-school component as well.

Mr. Davis: I know that, but if I understand what you are trying to say without going into too much detail, it seems you can effectively operate a technical-vocational program without using the public educational facilities that the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario says will be vacant because of declining enrolments. You can pick it up through the co-operative programs into which our present government—I cannot speak for my government because I forget—indicated it is prepared to put more funding. It has asked municipal boards to take hard looks at co-operative programs.

That is fine. I will ask another question. I want you to comment on this because it is one of the questions we keep dealing with. Let me deal with a nonteacher because I think it is a little more apparent at that point. The various presentations to us have been that nonteaching positions are going to be based on seniority, not selectivity or volunteers.

A person transferring across to your system who is a nonteacher, who is non-Catholic, divorced and remarried outside the church, is protected by the legislation and is not discriminated against. How will you people deal with that when you have discriminatory practices or accepted standards of life within your own community for the people you employ through your own system?

Mr. R. Mitchell: You are speaking of a nonteacher?

Mr. Davis: Yes.

Mr. R. Mitchell: We might well have nonteaching staff in that lifestyle you have described right now.

Mr. Davis: What happens if it is a teacher, to move it up a little?

Mr. R. Mitchell: We get back to the question Mr. Timbrell has asked. We were discussing this before we got here. No matter what sector of education you are in, you have to realize the all-pervasive influence the adult exerts on the student. It is an occupational hazard that teachers sometimes treat their students as adults. We see

them not quite as equals, but we are dealing with them on a day-to-day basis.

From my perspective, if the legislation is written that way, it would be our expectation that these teachers conduct themselves in their classroom teaching so as not to bring an example which is less than good to the students. I think that is very important.

Mr. Davis: Except that you know and I know that you cannot control the values a teacher gives off in a classroom.

Mr. R. Mitchell: That is right.

Mr. Davis: All right. I am only basing this on the possibility that the legislation may not eventually come up with the ability of teachers to volunteer to move into your system. How would you feel if somewhere in the legislation it said that teachers who transfer to your system, because of a conscience clause which says they cannot accept the ethos of the Catholic faith, have the right to be exempt from religious studies and the religious programs of the school?

Mr. R. Mitchell: I am not sure that—now a teacher who would be teaching physics or mathematics, for example, would not be involved in—

Mr. Davis: He would not be involved in your religious education program anyway, because that person would not be teaching it; but in the mandatory programs of the sacramental life of the school, for example, what if he says, “For conscience reasons, I would prefer not to avail myself and be part of that,” which is hypocritical?

Mr. R. Mitchell: To me, a teacher has certain prescribed duties under the act. There are a number of assemblies of students we have during the course of the year and teachers have a duty to supervise students at those assemblies. Initially at least, I would approach it in that vein with that teacher.

Mr. Davis: What about the ones that are specifically religious in nature?

Mr. R. Mitchell: I was referring to one that might be specifically religious in nature. It might be, for example, a prayer service for Remembrance Day.

Mr. Davis: All right, but when he transfers over he may be coming out of a milieu where that expectation is not placed upon him and, under the Education Act, he has the right not to partake of that, as a student does. However, in your system you cannot do that.

Mr. Varrasso: Mr. Mitchell is probably saying if the prayer service or mass is in the

gymnasium, we would expect any teacher to be there to supervise the class, not to participate. You cannot force anyone to participate but he or she would be physically present. They are there with their particular class.

Mr. Davis: That is like your statement on page 6. It says, “Students”—and I would assume teachers—“who do not profess the Catholic faith would likewise not be obligated to receive any of the sacraments.” But a non-Catholic cannot receive the sacraments anyhow unless you are doing something I do not know about.

Mr. Varrasso: There is presence and then there is participation, aside from the sacraments. We are saying that if 15 classes are going to assemble for a religious service we would expect 15 teachers, regardless of their background, to be with those classes. It is during their class time.

Mr. R. Mitchell: It is part of the school day. That is expected of anyone.

Father McLeod: I have a comment on that because it is rather a crucial point when you get into a matter of conscience. It strikes me one of the key principles here is respect for persons as opposed to principles or practices. I find some of the discussion with regard to making seniority the only provision—at least as I am reading it anyway—for determining who transfers and who does not is putting a practice or a premise ahead of persons.

I would hope in the first instance, where a transfer is to be undertaken because there is a redundancy due to this completion of the school system, teachers and nonteachers would be given the opportunity to express their preference to move or not move. Only in the last resort would there be some kind of forced move of someone based on seniority.

In the unlikely instance that this would happen, if it got down to the matter of a person's conscience making it difficult for him to be present even in the most basic and fundamental terms, as a Catholic school principal I would endeavour to work out to the best of our abilities what could be done. If it were that strongly felt, I would be quite satisfied in excusing the teacher from that situation unless—and I cannot foresee this happening—it would be detrimental to the safety of the students.

Mr. Davis: I appreciate that and I understand the process of volunteers coming across to the system protects the ethos. I have no problems understanding that.

But I am having difficulty wrapping my mind around certain thrusts that say students should

not be exempt and we should have complete accessibility of the teachers in the religious aspect, when one of the most prominent members of your faith, the cardinal, has stated that in his opinion the right of the students to exempt themselves from religion and the open accessibility would not destroy the ethos of your community. I understand what community means.

So I am trying to wrestle with that, I am trying to find a way, if this legislation has to deal with what the unions are telling us, to take people who are coming across because they are dislocated. Somehow, in justice, they also have to be protected. If they find that in all conscience they have difficulty doing it—and I appreciate that remark—there may be a conscience clause mechanism to deal with it. We deal with it for the ordination of women priests.

5:40 p.m.

Mr. Reyecraft: I have two questions. The first one deals with the matter of exemption of students from religious education courses. Let us take the situation where a Roman Catholic board adopted a policy not to exempt non-Catholic students from religious education courses. Reflecting on some 20-odd years in the classroom, during which I occasionally encountered students who repeatedly expressed some preference not to be there, and having witnessed the effect of that type of student on a course, I ask you, is there not concern that there is more potential for a negative effect on the school and on the system from not granting the exemption to non-Catholics than there is from allowing those students to be in the school and not forcing them to attend religious education classes?

Mr. R. Mitchell: Our brief has divided the whole question of exemption of students into two different areas. One deals with the area of students who choose to go to a Catholic school. We would think initially we would want them to take the religious education program. There is a point in the bill that says those students may be exempted.

Your question was, in those cases where they are not exempted, would there not necessarily be problems that would result from it? Yes, there could be, and I think they could well be resolved on an individual basis. Any of those types of problems might come up. That is the type of approach that is now taken, and I would expect it is something we would continue to do. While there is a regulation, there will necessarily have to be some modifications to it in particular circumstances.

Mr. Reyecraft: But in dealing with those situations, are there not going to be some of them where the best solution to the problem is to grant the exemption?

Mr. R. Mitchell: That may well be the case, yes.

Mr. Reyecraft: Thank you. My other question deals with the reference to the order in council. It is not often we hear anything positive about the use of that. That is somewhat refreshing.

You mention the administrative difficulties that would result had the order in council not been given to extend funding to grade 11 students. Can you expand on the administrative difficulties?

Mr. R. Mitchell: Yes. For a student registering for a high school program, it requires making a number of different choices. The planning and implementation commission's own figures indicate in excess of 6,000 more students who have opted to go to a separate high school than did in the previous year.

Registering 6,000 students opting back at this late date when principals, scheduling technicians, vice-principals and guidance people are on holiday requires interviewing those students, registering them, having them choose their options, then scheduling them and providing staff because of the increased numbers. In large centres there could well be a problem at this late date.

Mr. Varrasso: did you want to add to that?

Mr. Varrasso: There are many technical difficulties as Mr. Mitchell has mentioned. I think there is one question, or one idea, that sometimes is forgotten and that is the disappointment of those students. They have in good faith, along with their parents, decided to stay or to go to a Catholic school system, believing what had been promised to them.

Students who have made their plans, especially grade 9 students, moving from grade 8 to grade 9, look forward to that first year in high school. They are a delight and they are looking forward to that first day in a particular school. They have picked their locker partner and their friends. Off they go, and then all of a sudden somebody says there is no legislation. It has been delayed or it has been dropped. They are told they have to go back.

That would be a tremendous blow to those individuals at a very critical time in their lives, at a time when they tend to believe things. If somebody tells them this is what is going to happen, they would like to do it. That is one of

the greatest difficulties. It is not a mechanical or technical thing; it is a human factor.

I was very pleased to see that order in council because of that very point, having talked to kids in my school and having heard their concerns: "What happens in September if....? I do not want to leave. I have my options and the program I want." That is a very real concern and difficulty.

Mr. Reycraft: Could the three principals tell us when in their schools they normally begin the option selection process?

Mr. R. Mitchell: February.

Mr. Varrasso: December and January.

Father McLeod: The last week in January and the first week in February.

Mrs. Marland: I am not a member of this committee, but I am a member of the Legislature and I will be voting on the bill. I would like to go back to the subject of the heavy shops and vocational education because I want to be very clear that I understand what you said. Part of your statement was that you are not burdened with those at present. You are starting from a zero base.

In response to Mr. Davis, I think you said you are looking at high-tech programs. To me that sounds like very elitist type of educational programming. If that is your planning, then who will be providing programs for the Catholic secondary school student, male or female, who requires the heavy shops and vocational schools and that type of training to survive in the educational environment and to have other than academic opportunities?

Mr. R. Mitchell: Both public boards and separate school boards will be involved in some quite substantive changes in that field. The programs that will be offered by public boards will be, to a large extent, paralleled by the separate school boards.

I mentioned high tech to Mr. Davis. I should have added high-tech high-touch, because I think there are many definite employment opportunities in service industries, which do not require the same level of academic confidence. That is something we need to get into. In a study within the conference that was done last November, it is estimated there would be a great number of jobs in service industries. These are areas we have to look into.

Perhaps it was not explained properly, but I thought I said, and I will repeat it now, that some of the programs and facilities currently existing in public schools, to use a term my colleague from the London Board of Education used to

explain it, have been rationalized. There are serious and quite substantial rationalizations going on in the area of technical and vocational education. We are getting into that without having the legacy, if you will, of the facilities and the staff who have been trained. That is the difference in approach.

The brief does mention that we are every bit as committed to serving every Catholic student who comes to us asking for an education. If in response to that we have to offer vocational programs, then we intend to offer vocational programs.

5:50 p.m.

Mrs. Marland: I hear very clearly what you are saying, but I do not think you have answered my question directly. You talked about adding an alternative, which is the service industry. I recognize that. Previously I was a trustee with the public board in Peel for four years and I know the areas where the gaps are, but I also recognize them as being areas that do not encompass large investments in capital equipment either in physical plant or equipment within the plant.

You have not yet said whether you are really prepared to provide the heavy shops and the vocational things. As I see it, those are ongoing needs. For a lot of kids in a lot of circumstances, those are the educational programs with job opportunities.

Mr. R. Mitchell: I want to add one more point because I would hate you to go away dissatisfied with my answer. I temporarily lost one of the approaches we talked about when I was answering Mr. Davis. We would see a full range of services such as vocational being offered to students in a comprehensive model. I realize there are examples of that in the public sector, but some boards segregate students in vocational schools, Ottawa being one example.

Others, because of their nature, have a comprehensive model where special education services, vocational services, technical and technological services and academic services are under one roof. That would be our predisposition in dealing with the problem of serving all our students.

Mr. Varrasso: I appreciate the question. I think you are looking ahead and seeing some empty shops sitting there not being used. I think you have to remember that we are approaching this as principals, as people who have to have a vision of the future in terms of education.

Some of these decisions on program will definitely be made by the local separate school boards that will have duly elected trustees who

will feel community pressures and so forth. We are looking at what we call high tech as things we would like to have. I am sure the reality will be that we hope to have some of that, but at the same time we will have to serve all our kids; so there will be a need for the regular shop programs everybody is familiar with.

I hope some day in the near future we get away from the idea of élitist. Maybe I am speaking as an idealist, but if the will is there, we can teach all students anything, no matter what level of difficulty they are enrolled in. We have to have that belief in the students.

I have seen students in basic levels working on computers. It is very easy for those students to go from that computer class to a computer-assisted technical program. If these things are possible, it is going to take time, but I think many of the problems will be resolved by the local separate school boards, their relationships with the public boards and the circumstances locally in particular cities.

Hamilton is a very industrialized city, so there may be a different approach from the Peel-Dufferin area. These problems are going to be resolved locally. I think the separate school boards and public boards are going to have a lot more to say about the programming than we are as principals. We would like to have things and we would like to have directions, but we also are very practical; we have to work with what is given us by our boards.

Mrs. Marland: As a mother of three, I am also very practical. I know about élitist academic programs and I know about hands-on practical educational opportunities. I thank you for the answers.

Mr. Jackson: I will be brief because of the hour.

When you got into the area of rationalization, I felt I must ask a question. I do not know whether I can frame it in the form of a question. I raised this issue with the minister two weeks ago. It had to do with the transfer of facilities and capital equipment. I fear somebody is going to have to arbitrate between boards if one system transfers a high school and loads it up with all the worst equipment the system or jurisdiction has and it is inherited as a bundle.

I see it as an issue no one is talking about, but it still is a very serious issue. You have tapped on to

it because you are going to have the cash injection in some form to develop new programs and you can be selective with those programs. However, there may be an inequity in so far as the separate system will be able to get into it much more easily as a function of this bill. Perhaps we do not know yet, but you may be able to get more easily into computer education and then business departments, which require a tremendous capital separate from computers, word processors and all of that.

As a trustee, I went through agony drawing up a \$4-million plan for computers, which we took to our board to get approved. We took \$1 million for each of two years out of capital reserves for computer equipment. We have already invested that much money, and other boards are poorer in relation to my former board. Because of that, I have some serious concerns. This is just by way of information.

I have asked the minister to look at this whole issue of how adequate the funding is going to be in this area. In the current scheme of things, I do not see those figures being mentioned anywhere. I do not see that inequity being addressed anywhere. Phase-up and phase-down costs are almost always referred to in terms of staff and assessment loss. Seldom are they addressed in terms of equity of programs, say, within a community among a variety of schools.

Now I will get to my question. Where you refer to rationalization, do you foresee a situation where sufficient spaces will be left open in various programs to allow public schools to take three or four hard shops and the separate board to take two, three or four other hard shops? Does that rationalization occur within a given community?

Mr. R. Mitchell: I can see that being one of the local initiatives that would be undertaken by two coterminous boards.

The Vice-Chairman: That was a very short answer to a long question.

Thank you very much. Your information was very helpful. Tomorrow the committee members will know that we are not starting until 10:30 in the morning. The Scarborough Board of Education will be first up.

The committee adjourned at 6 p.m.

CONTENTS**Wednesday, July 31, 1985**

| | |
|--|--------------|
| Education Amendment Act, Bill 30, Mr. Conway, adjourned | S-539 |
| Adjournment | S-577 |

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Cooke, D. S., Vice-Chairman (Windsor-Riverside NDP)
Davis, W. C. (Scarborough Centre PC)
Jackson, C. (Burlington South PC)
Johnston, R. F., Chairman (Scarborough West NDP)
Marland, M. (Mississauga South PC)
Reycraft, D. R. (Middlesex L)
Timbrell, D. R. (Don Mills PC)

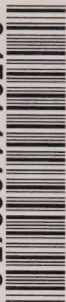
From the Ministry of Education:

Graham, Dr. J. R., Acting Executive Director, Regional Services Division
Mitchell, W. T., Director, Legislation Branch

From the Ontario Catholic Secondary School Principals' Association:

McLeod, Father D., First Vice-President
Mitchell, R., President
Varrasso, L., Past President
Bedard, L., Private Citizen
Cole, S. H., Ontario Secondary School Teachers' Federation, District 11, York Region
Crawford, R. E., Private Citizen
Morris, M., Private Citizen
Morris, W., Private Citizen
Morrison, D., Private Citizen

JUL 2 1987



3 1761 1146847 8